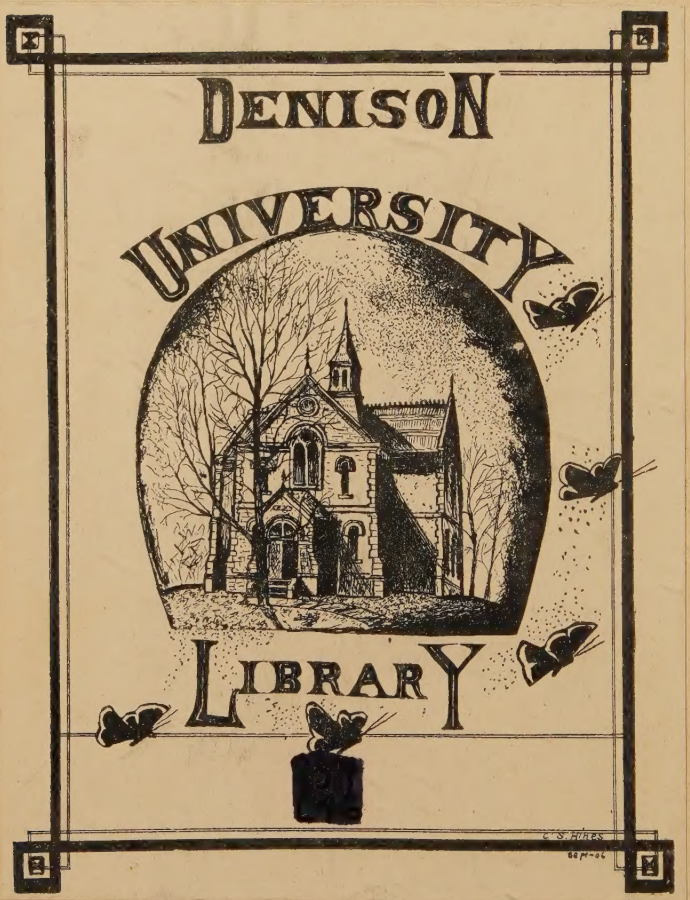
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SACERDOTAL CELIBACY

IN THE

CHRISTIAN CHURCH

HISTORY

OF

SACERDOTAL CELIBACY

IN THE

CHRISTIAN CHURCH

BY

HENRY CHARLES LEA, LL.D., S.T.D.

THIRD EDITION, REVISED

Οὐ γαρ θεου ἐστι κινειν ἐπι τα παρα φυσιν

ATHENAGORÆ *pro Christianis Legatio*

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CHAPTER XXIV

THE FIFTEENTH CENTURY

Neither the assaults of heretics nor the constant efforts at partial reform attempted by individual prelates had thus far proved of any avail. As time wore on, the Church sank deeper into the mire of corruption, and its struggles to extricate itself grew feebler and more hopeless. We have seen that, early in the fifteenth century, Gerson advised an organised system of concubinage as preferable to the indiscriminate licentiousness which was everywhere prevalent. Even more suggestive are the declarations of Nicholas de Clamenges, Rector of the University of Paris and Secretary of the anti-pope Benedict XIII. He does not hesitate to say that the vices of the clergy were so universal that those who adhered to the rule of chastity were the objects of the most degrading and disgusting suspicions, so little faith was there in the possible purity of any ecclesiastic. He also records the extension of a custom to which I have already alluded when he states that in a majority of parishes the people insisted on their pastors keeping concubines, and that even this was a precaution insufficient for the peace and honour of their families.[1] Elsewhere he describes the mass of the clergy as wholly abandoned to worldly ambition and vices, oppressing and despoiling those subjected to them, and

[1] Taceo de fornicationibus et adulteriis, a quibus qui alieni sunt probro cæteris ac ludibrio esse solent, spadonesque aut sodomitæ appellantur; denique laici usque adeo persuasum habent nullos cœlibes esse, ut in plerisque parochiis non aliter velint presbyterum tolerare nisi concubinam habeat, quo vel sic suis sit consultum uxoribus, quæ nec sic quidem usque-quaque sunt extra periculum.—Nic. de Clamengis de Præsul. Simoniac (Opp. Lug. Bat. 1613, p. 165).

spending their ill-gotten gains in the vilest excesses, while they ridiculed unsparingly such few pious souls as endeavoured to live according to the light of the gospel.[1] Another tract which passes under his name declares that in most of the dioceses the parish priests openly kept concubines, which they were permitted to do on payment of a tax to their bishops. Nunneries were brothels, and to take the veil was simply another mode of becoming a public prostitute.[2] Cardinal Peter d'Ailly declares that he does not dare to describe the immorality of the nunneries.[3] In a similar indignant mood Gerson stigmatises the nunneries of his time as houses of prostitution, the monasteries as centres of trade and amusement, the cathedral churches as dens of ravishers and robbers, and the priesthood at large as habitual concubinarians.[4] That he felt these evils to be inseparable from the condition of the Church is evident when, in an argument to prove the necessity of celibacy, he is driven to the assertion that it is better to tolerate incontinent priests than to have no priests at all.[5] He argues that the clergy are worthy of as many sentences of damnation as they seduce souls to perdition by their corrupt example, and he asks, when he who destroys himself by his own sins is to be condemned, whether he who draws with him numerous others is not still more worthy of perdition.[6] Theodoric a Niem represents the bishops of Scandinavia as carrying with them their concubines on their pastoral visitations, and as inflicting penalties on such of the parish priests as they found living without similar companions, while these women habitually took precedence

1 Nic. de Clamengiis Disput. super Mater. Concil. General.

2 Nic. de Clamengiis de Ruina Ecclesiæ cap. xxii., xxxvi.—Conf. Theobaldi Conquest. (Von der Hardt T. I. P. VI. XIX. p. 909.)

3 P. de Alliaco Canones Reformat. cap. iv. (Von der Hardt T. I. P. VI. p. 425.)

4 Gersoni Declarat. defect. viror. ecclesiast. lxv., lxvi.

5 Dicimus quod de duobus malis minus est incontinentes tolerare sacerdotes quam nullos habere.—Gersoni Dial. Sophiæ et Naturæ Act. IV.

6 Ejusd. Sermo de Vita Clericorum.

in church of the wives of the neighbouring gentry—and he adds that the clergy of the south of Europe were no better.[1] Theodoric Vrie, a learned and pious Churchman of Saxony, is equally unsparing in his denunciations of the Teutonic clergy[2]—and, indeed, the testimony of the writers of the period is so unanimous that their descriptions of clerical vices cannot be regarded as the mere rhetorical declamation of disappointed reformers.

It was evident that the efforts of local synods were fruitless to eradicate evils so general and so deeply rooted, while the necessity for some reform became every day more apparent. Though Lollardry had been crushed in England under the stern hand of Henry V., yet it was reappearing in Bohemia in a form even more threatening. The Council of Pisa had not succeeded in healing the Great Schism, and there arose a general demand for an Œcumenic Council in which the Church Universal should assemble for the purpose of purifying itself, of eradicating heresy, and of settling definitely the pretensions of the three claimants to the papacy. John XXIII. yielded to the pressure, and the call for the Council of Constance went forth in his name and in that of the Emperor Sigismund.

So powerful a body had never before been gathered together in Europe. It claimed to be the supreme representative of the Church, and though it acknowledged John XXIII. as the lawful successor of St. Peter, it had no scruples in arraigning, trying, condemning, and deposing him—an awful expression of its supremacy, without precedent in the past and without imitation in succeeding ages. As regards heresy, it did the best it could, according to the lights of its age, by burning John Huss and Jerome of Prague. Its functions as a reformer, however, required for their exercise more nerve than even the condemnation

1 Theod. a Niem Nemoris Unionis Tract. V. cap. XXXV.
2 Theod. Vrie Hist. Concil. Constant. Lib. II., III. (Von. der Hardt T. I.).

of a pope. Many members were thoroughly penetrated with the conviction that reform was of instant necessity, and such men as Gerson, Peter d'Ailly of Cambrai, and Nicholas de Clamenges were prepared to shrink from none of the means requisite for so hallowed an end. In the existing corruption, however, of the body from which representatives were drawn, such men could scarcely form a controlling majority. After the council had been in session for nearly two years, the reformers began to despair of effecting anything, and Clamenges did not hesitate to assert that nothing was to be expected from men who would regard reform as the greatest calamity that could befall themselves;[1] while another of the members of the council declared that every one wanted such a reform as should allow him to retain his own particular form of iniquity.[2] These estimates, indeed, of the character of the majority of the good fathers of Constance are borne out by the contemporary accounts of the multitudes who flocked to it to ply their trades among the assembled dignitaries of the Church, showing that they were by no means all devoted to mortifying the flesh.[3]

The feelings of those who sincerely desired reform, as they saw the prospect rapidly fading before their eyes, may be estimated by a sermon of a sturdy Gascon abbot, Bernhardus Baptisatus, preached before the council in August 1517, about three months before the conservatives succeeded in carrying their point by electing Martin V. He denounces the members of the council as Pharisees, falsely pretending to be devout in order to elude the punishment due to their crimes. The masses and pro-

1 Nic. de Clamengiis, Disput. sup. Mat. Conc. General. This work was written in 1416, after the council had been in session for nearly two years.

2 Theobaldi Conquestio (Von der Hardt T. I. P. XIX. p. 904).

3 Item, fistulatores, tubicenæ, joculatores, 516; item, meretrices, virgines publicæ, 718.—Laur. Byzynii Diar. Bell. Hussit. A Catholic contemporary, however, reduces the number of courtesans to 450 and that of jugglers and minstrels to 320 (Joann. Fistenportii Chron. ann. 1415.—Hahn. Collect. Monument. I. 401).

cessions, which were the main business of the assemblage, he declares to be valueless in the eyes of God, for most of those who so busily took part in them were involved solely in worldly cares, laughing, cheating, sleeping, or demoralising the rest with their ungodly conversation. The Holy Spirit did not hold the acts of the council acceptable, nor dwell with its unrighteous members.[1] Such a convocation could have but one result.

It is easy therefore to understand the influences that were brought to bear to defeat the expectations of the reformers: how the subject could be postponed until after the questions connected with the papacy and with heresy were disposed of; and how, after the election of Martin V., those who shrank from all reform could assume that it might safely be entrusted to the hands of a pontiff so able, so energetic, and so virtuous. In all this they were successful. The council closed its weary sessions, 22 April, 1418, and during its three years and a half of labour it had only found leisure to regulate the dress of ecclesiastics, the unclerical cut of whose sleeves was especially distasteful to the representative body of Christendom.[2]

Still, the reformers had made a stubborn fight, and had procured the appointment of a commission to consider all reformatory propositions and prepare a general scheme for the adoption of the council. This body laboured as diligently as though its deliberations were to be crowned with practical results, and various projects of reform proposed by it have been preserved. In one of these the severest measures of repression were suggested to put an end to the scandal of concubinage which was openly practised in the majority of dioceses. Under this scheme, while all the canonical punishments heretofore decreed were maintained

1 Bernhardi Baptisati Sermo (Von der Hardt T. I. P. XVIII. pp. 884–5).
2 Concil. Constant. Sess. XLIII. can. de Vita et Honestate Clericorum.

in full vigour, deprivation was pronounced against all holders of ecclesiastical preferment, from bishops down, who should not within one month eject their guilty partners; their positions were declared vacant *ipso jure*, and their successors were to be immediately appointed. Those who did not hold benefices were similarly to be declared ineligible to preferment. It appears that scandals had arisen in many places from the Hildebrandine and Wickliffite heresy, whereby parishioners declined the ministrations of those who were living in open and notorious sin; and to avoid these, while the commission declined to pass an opinion on the propriety of such action, it advised that such private judgment should not be exercised.[1] In another elaborate system of reform, which bears the marks of mature deliberation, the attempt was made to eradicate the long-standing abuse of admitting to preferment the illegitimate children of ecclesiastics, and it was declared that papal dispensations should no longer be recognised except in cases of peculiar fitness or high rank.[2] The same code of discipline struck a significant blow at the inviolability of the monastic profession when it endeavoured to check the prevailing and deplorable licentiousness of the nunneries by decreeing that no woman should be admitted to the vows beneath the age of twenty, and that all vows taken at a younger age should be null and void.[3] These projects are interesting merely as indicating the direction in which the reforming portion of the Church desired to move, and as showing that even they did not propose to remove the celibacy which was the chief cause of the evils they so sincerely deplored.

Martin V. had assumed the responsibility of reforming the Church, and he did, in fact, attempt it after some

1 De Ecclesiæ Reformat. Protocoll. cap. xxxiii. (Von der Hardt T. I. P. x. pp. 635–6.)

2 Reformatorii Constant. Decretal. Lib. I. Tit. v. (Ibid. p. 679).

3 Ibid. Lib. III. Tit. x. cap. 20 (p. 722.)

fashion, though he apparently took to heart Dante's axiom—

> Lunga promessa, con l'attender corto
> Ti farà trionfar nel' alto seggio.

In 1422 Cardinal Branda of Piacenza, his legate, when sent to Germany to preach a crusade against the Hussites, was honoured with the title of Reformer General, and full powers were given to him to effect this part of his mission. The letters-patent of the Pope bear ample testimony to the depravity of the Teutonic Church,[1] while the constitution which Branda promulgated declares that in a portion of the priesthood there was scarcely left a trace of decency or morality. According to this document, concubinage, simony, neglect of sacred functions, gambling, drinking, fighting, buffoonery, and kindred pursuits, were the prevalent vices of the ministers of Christ; but the punishments which he enacted for their suppression—repetitions of those which we have seen proclaimed so many times before—were powerless to overcome the evils, which had become part and parcel of the Church itself.[2] This condition of affairs was not the result of any abandonment of the attempt to enforce the canons. Local synods were meeting every year, and scarcely one of them failed to call attention to the subject, devising fresh penalties to effect the impossible. The result is shown in the lament of the Council of Cologne in 1423.[3]

1 For instance, as regards the religious houses—"In nonnullis quoque monasteriis . . . norma disciplinæ respuitur, cultus divinus negligitur, personæ quoque hujusmodi, vitæ ac morum honestate prostrata, lubricitati, incontinentiæ, et aliis variis carnalis concupiscentiæ voluptatibus et viciis non sine gravi divinæ majestatis offensa tabescentes, vitam ducunt dissolutam."—Martin V. ad Brandam § iii. (Ludewig Reliq. Msctorum XI. 409.)

2 Usque adeo nonnullorum clericorum corruptela excrevit, ut morum atque honestatis vestigia apud eos pauca admodum remanserint.—Constit. Brandæ § 1 (Op. cit. XI. 385.)

3 "Quia tamen, succrescente malitia temporis moderni, labes hujusmodi criminis in ecclesia Dei in tantum inolevit, quod scandala plurima in populo sunt exorta, et verisimiliter exoriri poterunt in futurum, et ex fide dignorum relatione percepimus quod quidam ecclesiarum prælati et alii, etiam capitula . . . tales in suis iniquita-

What was the condition of clerical morals in Italy soon after this may be learned from a single instance. When Ambrose was made General of the austere order of Camaldoli he set vigorously to work to reform the laxity which had almost ruined it. One of his abbots was noted for abounding licentiousness; not content with ordinary amours, he was wont to visit the nunneries in his district to indulge in promiscuous intercourse with the virgins dedicated to God. Yet Ambrose in taking him to task did not venture to punish him for his misdeeds, but promised him full pardon for the past and to take him into favour, if he would only abstain for the future—a task which ought to be easy, as he was now old, and should be content with having long lived evilly, and be ready to dedicate his few remaining years to the service of God.[1] When a reformer, who enjoyed the special friendship and protection of Eugenius IV., was forced to be so moderate with such a criminal, it is easy to imagine what was the tone of morality in the Church at large.

While the Armagnacs and Burgundians were rivalling the English in carrying desolation into every corner of France, it could not be expected that the peaceful virtues could flourish, or sempiternal corruption be reformed. Accordingly, it need not surprise us to see Hardouin, Bishop of Angers, despondingly admit, in 1428, that licentiousness had become so habitual among his clergy that it was no longer reputed to be a sin; that concubinage was public and undisguised, and that the patrimony of

tibus sustinuerunt et sustinent." So far, however, were the decrees of the council from being effective, that the Archbishop was obliged to modify them and to declare that they should only be enforced against those ecclesiastics who were notoriously guilty, and who kept their concubines publicly.—Concil. Coloniens. ann. 1423 can. i. viii. (Hartzheim V. 217, 220).

[1] Ambrosii Camaldulensis Lib. v. Epist. xii. (Martene Ampliss. Collect. III. 119-21). This was not the only case of abbots whose scandalous lives were treated with equal forbearance. See Epistt. xiii., xiv.

Christ was wasted in supporting the guilty partners of the priesthood. That gambling, swearing, drunkenness, and all manner of unclerical conduct should accompany these disorders, is too probable to require the concurrent testimony which the worthy bishop affords us.[1] Alain Chartier, Archdeacon of Paris and Secretary to Charles VI. and Charles VII., confirms this in a more general way, when he attributes to enforced celibacy and the temporal endowments of the Church the vices and crimes which rendered the clergy so odious and contemptible to the laity that he looks forward to the speedy advent of Antichrist to wipe out the whole system in universal ruin.[2] Apparently its corruption was too deep-seated to hope for any milder means of reformation. To this we may at least partially attribute the utter loss of respect for sacred things which rendered the churches and their pastors a special mark for pillage and persecution during the dreary civil wars of the period.[3]

In England, which had enjoyed comparative immunity from civil strife, matters were quite as bad. At the request of Henry V., in 1414, the University of Oxford prepared a series of articles for the reformation of the Church, whose shortcomings were vehemently attacked by the Lollards. It is not easy to imagine a more humiliating confession than is contained in the 38th article, directed against priestly immorality. The carnal and undisguised profligacy of ecclesiastics is declared to be a scandal to the Church, and its impurity to be a dangerous temptation to others. It is therefore recommended that all public fornicators be suspended for a limited time from the ministry of the altar, and that some corporal chastisement be inflicted on them, in place of the trifling pecuniary mulct, which,

1 Harduini Andegav. Epist. Statut. Præf. (Martene Thesaur. IV. 523-4.)
2 Alan. Charter. Lib. de Exilio (Johan. Mariæ Lib. de Schismat. et Concil.).
3 Nic. de Clamengiis de Lapsu et Reparat. Justitiæ (Ed. 1519, pp. 13-14).

levied in secret, had no effect in deterring them from their evil courses.[1]

This was the outcome of the great general council, on which such hopes had been built by Christendom, but the good fathers of Constance, conscious of their shortcomings in the matter of reform, had adopted the canon *Frequens*, ordering the assembly of another general council in five years, to be followed by successors every seven years thereafter. One was accordingly convoked at Siena in 1423, to be summarily dissolved in 1424 by the presiding papal legate, when the demand for effective measures of reform in the head and members of the Church grew too unmannerly to be further evaded. The next general council was due in 1431, but Pope Martin took no steps for its assembling until at the end of 1430 it was made plain to him that Europe was determined to find, with him or without him, some means of attempting a purification felt to be necessary as a safeguard against a revolutionary uprising of the laity.[2] Yet scarcely had the fathers fairly gathered in the Council of Basle, when Eugenius IV., who had meanwhile succeeded to the chair of St. Peter, sent orders for its dissolution to his legate, Cardinal Giuliano Cesarini.

The legate, who had better opportunity than his master of estimating the temper of Christendom, refused obedience, and his letter explaining the reasons of his contumacy affords a curious picture of the internal condition of the Church and of the relations existing between it and the laity. The extreme corruption of ecclesiastical morals had been the principal object of convoking the council, and had given rise to a feeling of fierce hostility towards the Church. To this was attributable the success which had attended the Hussite movement, and unless the people

1 Wilkins III. 364–5.

2 Jo. de Ragusio Init. et Prosec. Con. Basil. (Monumentt. Con. Gen. Sæc. XV. T. I.).—Concil. Senensis (Harduin. VIII. 1025–6).—Ad. Concil. Basil. (Harduin. VIII. 1108–10).—Raynald. Annal. ann. 1425, n. 3, 4.

could have reason to anticipate amendment, there was ample cause to fear a general imitation of the Hussites. So many provincial synods were daily held without result that confidence was no longer felt in the ordinary ecclesiastical machinery; the state of the public mind grew constantly more threatening as fresh scandals were wrought by the clergy, and the hopes entertained of the council were the only restraint which prevented the breaking out of a widespread revolt. As a proof of his assertions, the legate refers to various local troubles. Magdeburg had expelled her archbishop and clergy, was preparing waggons with which to fight after the Bohemian fashion, and was said to have sent for a Hussite to command her forces. Passau had revolted against her bishop, and was even then laying close siege to his citadel. Bamberg was engaged in a violent quarrel with her bishop and chapter. These cities were regarded as the centres of formidable secret confederacies, and were believed to be negotiating with the Hussites.[1] The good fathers evidently recognised the full magnitude of the danger. The results of the inaction of the Council of Constance were full of pregnant warnings. The reformers could no longer be brought to trust the papacy, and those who might secretly deprecate reform were fully alive to the threatening aspect of affairs. They therefore addressed themselves resolutely to the removal of the cause. All who were guilty of public concubinage were ordered to dismiss their consorts within sixty days after the promulgation of the canon, under pain of deprivation of revenue for three months. Persistent contumacy or repetition of the offence was visited with suspension from functions and stipend until satisfactory evidence should be afforded of repentance and amendment. Bishops who neglected to enforce the law were to be held as

1 Æneæ Sylvii Comment. de Gest. Conc. Basil. ad calcem (Opp. Basil. 1551, pp. 66–70).—*Cf.* Sigismundi Imp. Avisam. ann. 1433 (Goldast III. 427 sqq.).

sharing the guilt which they allowed to pass unpunished; and those prelates who were above the jurisdiction of local tribunals or synods were to be remanded to Rome for trial. The council deplored the extensive prevalence of the "cullagium," by which those to whom was entrusted the administration of the Church did not hesitate to enjoy a filthy gain by selling licences to sin. A curse was pronounced on all involved in such transactions: they were to share the penalties of the guilt which they encouraged, and were, in addition, to pay a fine of double the amount of their iniquitous receipts.[1] In the Pragmatic Sanction, moreover, agreed upon in 1438 between the Emperor Albert II. and Charles VII. of France, the regulation confiscating three months' revenues of concubinary priests was embodied.[2]

Honest, well-meant legislation this; yet the fathers of the council or the princes of Christendom could hardly deceive themselves with the expectation that it would prove effectual, even if the Basilian canons had been confirmed by the Holy See and accepted by the Church at large. If legislation could accomplish the desired result, there had already been enough of it since the days of Siricius. The compilations of canon law were full of admirable regulations, by which generation after generation had endeavoured to attain the same object by every imaginable modification of inquisition and penalty. Ingenuity had been exhausted in devising laws which were only promulgated to be despised and forgotten. Something more was wanting, and that something could not be had without overturning the elaborate structure so skilfully and laboriously built up by the craft and enthusiasm of ten centuries.

How utterly impotent, in fact, were the efforts of the

[1] Concil. Basiliens. Sess. xx. (Jan. 22, 1435.)

[2] Pragm. Sanct. ann. 1438 cap. 31 (Goldast. I. 403). D'Argentré, Collect. Judic. de novis Erroribus, I., II., 234).

council, is evident when, within five years after the adoption of the Basilian canons, Doctor Kokkius, in a sermon preached before the Council of Freysingen, could scarcely find words strong enough to denounce the evil courses of the clergy as a class;[1] and when, within fifteen years, we find Nicholas V. declaring that the clergy enjoyed such immunity that they scarcely regarded incontinence as a sin—which is perhaps no wonder, when he prohibited the members and officials of the Curia from keeping concubines, under pain of forfeiture of office and disability for preferment, unless they should previously have obtained letters of absolution from the Holy See—the perennial font of corruption which meets us at every turn.[2]

Shrouded under a thin veil of formality, this in substance indicates the degrading source of revenue which was so energetically condemned in inferior officials. The pressing and insatiable pecuniary needs of the papal court, indeed, rendered it impotent as a reformer, however honest the wearer of the tiara might himself be in desiring to rescue the Church from its infamy. Reckless expenditure and universal venality were insuperable obstacles to any comprehensive and effective measures of reformation. Every one was preoccupied either in devising or in resisting extortion. The local synods were engaged in quarrelling over the subsidies demanded by Rome, while the chronicles of the period are filled with complaints of the indulgences granted year after year to raise money for various purposes. Sometimes the objects alleged are indignantly declared to be purely supposititious; at other times intimations are thrown out that the collections were diverted to the private gain of the popes and of

1 Quoniam nostri temporis clerici sunt, heu, affectu crudeles, affatu mendaces, gestu incompositi, victu luxuriosi, actu impii, et sub vacuo sanctitatis nomine sancti nominis derogant disciplinæ (Hartzheim V. 266). The council contented itself with repeating the canons of Basle.

2 Lib. III. Tit. i. c. 3, in Septimo. "Nisi inhabilitatem suam. antea per dictæ sedis litteras obtinuerint absolvi."

their creatures.[1] The opinion which the Church in general entertained of the papal court is manifested with sufficient distinctness in a letter from Ernest, Archbishop of Magdeburg, to his ambassador at Rome. The prelate states that he has deposited five hundred florins in Fugger's bank at Augsburg, for which he desires to procure certain bulls, one to enable him to grant indulgences, the other to compel the chapter of Magdeburg to allow him to dispose of the salt-works of Halle, in defiance of the vested rights of his Church — thus taking for granted a cynicism of venality which it would be difficult to parallel in the secular affairs of the most corrupt of courts.[2] Even the power to dispense from the vow of continence was occasionally turned to account in this manner. One of the accusations against John XXIII. was that for 600 ducats he had released Jacques de Vitry,

1 Comp. Doeringii Chron. passim Döringk was minister or head of the Franciscan order in Saxony, and therefore may be considered an unexceptionable witness.

In the Polish diet of 1459, one of its leading members brought forward a series of propositions which showed the feelings entertained by the people towards papal exactions—"The Bishop of Rome has invented a most unjust motive for imposing taxes—the war against the infidels . . . The Pope feigns that he employs his treasures in the erection of churches; but in fact he employs them to enrich his relations," &c.—Krasinski, Reformation in Poland, i. 96.

The councils of Constance and Basle had produced, for a time, a spirit of great independence. John of Frankfort does not hesitate to declare that the papal authority is not binding when in opposition to the law of God—"Unde patet quod nec papalis vel et imperialis constitutio legi Dei obvians possit dici recta; nec aliquis ipsorum potest licite mandare quod sua constitutio servetur a subditis" (Johann. de Francford. contra Feymeros). According to the decisions of the Decretalists, this was rank heresy, and yet John of Frankfort was one of the leading minds of the period, and of unquestioned orthodoxy. He was a popular preacher, a doctor of theology, chaplain and secretary of the Count Palatine of the Rhine, and a bold disputant against the Hussites. He records with his own hand that, as inquisitor, he convicted and burned, July 4, 1429, at Lüders, an unfortunate heretic who denied the propriety of invoking the Virgin and the saints. Under the skilful management, however, of Nicholas V. and Pius II. this spirit of independence was kept in check, to again revive, in the next century, in a more determined form.

2 Ludewig Reliq. Msctorum. XI. 415.—Under Boniface IX., at the commencement of the century, claims arising from simoniacal transactions were constantly and openly prosecuted in the court of the Papal Auditor.—Theod. a Niem de Vit. Joann. XXIII.

a Hospitaller, from his vows, had restored him to the world, and enabled him to marry.[1]

The aspirations of Christendom had culminated in the Council of Basle in the most potent form known to the Church Universal. If the results were scarce perceptible while the influences of the council were yet recent, and while the antagonistic papacy was under the control of men sincerely desirous to promote the best interests of the Church, such as Nicholas V. and Pius II., we can feel no wonder if the darkness continued to grow thicker and deeper under the rule of such pontiffs as Sixtus IV., Innocent VIII., and Alexander VI. Savonarola found an inexhaustible subject of declamation in the fearful vices of the ecclesiastics of his times, whom he describes as *ruffiani e mezzani.*[2] In the assembly of the Trois Etats of France, held at Tours in 1484, the orator of the Estates, Jean de Rély, afterwards Bishop of Angers, in his official address to Charles VIII. declared it to be notorious that the religious orders had lost all devotion, discipline, and obedience to their rule, while the canons (and he was himself a canon of Paris) had sunk far below the laity in their morals, to the great scandal of the Church.[3] Yet what could be accomplished by an uncompromising reformer was shown when, about 1490, Niccolò Bonafede, afterwards Bishop of Chiusi, was sent to Trani as archiepiscopal vicar. He found that nearly all the priests openly kept concubines and brought up their children without shame—the primicier, in fact, had eleven in his house. Bonafede ordered that all should dismiss their companions

1 Concil. Constantiens. Sess. XI.

2 "Si vous saviez tout ce que je sais! des choses dégoûtantes! des choses horribles! vous en frémiriez! Quand je pense à tout cela, à la vie que mènent les prêtres, je ne puis retenir mes larmes." And again, "Ma peggio ancora. Quello che sta la notte con la concubina, quell' altro con il garzone, e poi la mattina va a dire messa, pensa tu come la va. Che vuoi tu fare di quella messa?"—Jérome Savonarole d'après les documents originaux, par F. T. Perrens, pp. 71–2. Paris, 1856.

3 Masselin, Journal des États de Tours, pp. 197–99.

within eight days, under penalty of forfeiture of benefice, and that the women should leave the diocese, under pain of scourging.[1] He had already given evidence of his tenacity of purpose, and his commands were obeyed by all but one, in which case the priest was deprived of his preferment, and the unfortunate woman was duly flogged and banished.[2]

In England, the facts developed by the examination which Innocent VIII. in 1489 authorised Morton, Archbishop of Canterbury, to make into the condition of the religious houses, present a state of affairs quite as bad. Henry VII.'s first Parliament, in 1485, had endeavoured to accomplish some reform by passing an Act empowering the episcopal authorities to imprison all priests and monks convicted of carnal lapses,[3] but this, like all similar legislation, whether secular or ecclesiastical, appears to have been useless. Innocent describes the monasteries, in his bull to the archbishop, as wholly fallen from their original discipline, and this is fully confirmed by the results of the visitation. The old and wealthy abbey of St. Albans, for instance, was little more than a den of prostitutes, with whom the monks lived openly and avowedly. In two priories under its jurisdiction the nuns had been turned out and their places filled with courtesans, to whom the monks of St. Albans publicly resorted, indulging in all manner of shameless and riotous living, the details of which can well be spared.[4] These irregularities were emulated by the secular ecclesiastics. Among the records of the reign of Henry VII. is a memorial from the gentlemen and farmers of Carnarvonshire, complaining that the seduction of their wives and daughters was pursued syste-

1 Leopardi, Vita di Niccolò Bonafede, p. 18 (Pesaro, 1832).

2 1 Henr. VII. 4.

3 Wilkins III. 630–33.

4 Yet in the letter of Archbishop Morton to the Abbot reciting all these enormities, he is not even threatened with deposition, but only invited to mend his ways.

matically by the clergy.[1] That the prevalence of these practices was thoroughly understood is shown in a book of instructions for parish priests drawn up by a canon of Lilleshall about this period. In enumerating the causes for which a parson may shrive a man not of his own parish, he includes the case in which the penitent has committed sin with the concubine or daughter of his own parish priest.[2]

Spain was equally infected. The Council of Aranda, in 1473, denounced bitterly the evil courses by which the clergy earned for themselves the wrath of God and the contempt of man, and it endeavoured to suppress the sempiternal vice by the means which had been so often ineffectually tried — visitations, fines, excommunication, suspension, forfeiture of benefice, and imprisonment—but all to as little purpose as before.[3] Vainly Ferdinand and Isabella in repeated edicts sought to restrain the evil by attacking the concubines with fines, scourging and banishment, for the male offenders were beyond their jurisdiction.[4] The trouble continued without abatement, and the Council of Seville, in 1512, felt itself obliged to repeat as usual all the old denunciations and penalties, including those against ecclesiastics who officiated at the marriages of their children, which it prohibited for the future under a fine of 2000 maravedis—a mulct which it likewise provided for those who committed the indecency of having their children as assistants in the solemnity of the Mass.[5] We shall see hereafter how fruitless were all these efforts to cure the incurable.

1 Froude's History of England, Ch. III.

2 Or gef hym self had done a synne
By the prestes sybbe kynne,
Moder or suster, or hys lemmon
Or by hys doghter gef he had on.

John Myrc's Instructions for Parish Priests, p. 26 (Early English Text Society, 1868).

3 Concil. Arandens. ann. 1473 c. ix. (Aguirre V. 345–6.)

4 Novisima Recopilacion, Lib. XII., Tit. xxvi., leyes 3–5.

5 Concil. Hispalens. ann. 1512 can. xxvi., xxvii. (Aguirre V. 371–2.)

What was the condition of morals in Germany may be inferred from some proceedings of the chapter of Brunswick in 1476. The canons intimate that the commission of scandals and crimes has reached a point at which there is danger of their losing the inestimable privilege of exemption from episcopal jurisdiction. They therefore declare that for the future the canons, vicars, and officiating clergy ought not to keep their mistresses and concubines publicly in their houses, or live with them within the bounds of the church, and those who persist in doing so after three warnings shall be suspended from their prebends until they render due satisfaction.[1] In this curious glimpse into the domestic life of the cathedral close it is evident that the worthy canons were moved by no shame for the publicity of their guilt, but only by a wholesome dread of giving to their bishop an excuse for procuring the forfeiture of their dearly prized right of self-judgment.

The Hungarian Church, by a canon dating as far back as 1382, had finally adopted a pecuniary mulct as the most efficacious mode of correcting offenders. The fine was five marks of current coin, and by granting one-half to the informer or archdeacon, and the other to the archiepiscopal chamber, it was reasonably hoped that the rule might be enforced. As might have been expected, this resulted, not in reforming the clergy, but in providing a source of revenue for the prelates, so that all parties were interested in maintaining a flourishing condition of immorality, as Jacopo della Marchia, one of the fiercest persecutors of heresy, found to his cost. In 1436 he was sent by Eugenius IV. as inquisitor of Hungary and Austria to check the spread of Hussitism. His unsparing severity excited such general terror that he is said to have received the submission of fifty-five thousand converts, but when, at Fünfkirchen, he paused in his missionary labours to

[1] Statut. Eccles. in Braunschweig. cap. 75 (Mayer, Thes. Jur. Eccles. I. 124).

reform the concubinarian priests, his resolution gave way, for they repelled his interference so energetically that he was forced to fly for his life. Pope and Emperor were invoked, and he was enabled to return, but we hear no more of any effort on his part to meddle with the clergy and their partners.[1] That matters remained unaltered is shown by two synods of Gran, one in 1450 and the other in 1480, which reiterate the complaint, not only that the archdeacons and other officials kept the whole fine to themselves, but also, what was even worse, that they permitted the criminals to persevere in sin, in order to make money by allowing them to go unpunished.[2] This state of affairs was not to be wondered at if the description of his prelates by Matthias Corvinus be correct. They were worldly princes, whose energies were devoted to wringing from their flocks fabulous revenues to be squandered in riotous living on the hordes of cooks and concubines who pandered to their appetites.[3] The morals of the regular clergy were no better, for a diet held by Vladislas II. in 1498 complained of the manner in which abbots and other monastic dignitaries enriched themselves from the revenues of their offices, and then, returning to the world, publicly took wives, to the disgrace of their order.[4]

In Pomerania the evil had at length partially cured itself, for the female companions of the clergy seem to have been regarded as wives in all but the blessing of the Church. Benedict, Bishop of Camin, in 1492 held a synod in which he quaintly but vehemently objurgates his ecclesiastics for this wickedness; declares that no man can part such couples joined by the devil; alludes to their offspring as beasts creeping over the earth, and has

1 Wadding, Annal. Minorum, ann. 1437, n. 6–12.

2 Synod. Strigonens. ann. 1382, 1450, 1480 (Batthyani III. 275, 481, 557).

3 Galeoti Martii de dictis et factis Matthiæ Regis cap. XI. (Schwandtneri Rer. Hungar. Script.).

4 Synod. Reg. ann. 1498 c. 16. (Batthyani I. 551).

his spleen peculiarly stirred by the cloths of Leyden and costly ornaments with which the fair sinners were bedecked, to the scandal of honest women.[1] His indignation was wasted on a hardened generation, for his successor, Bishop Martin, on his accession to the see in 1499, found the custom still unchecked. The new bishop promptly summoned a synod at Sitten in 1500, where he reiterated the complaints of Benedict, adding that the priests convert the patrimony of Christ into marriage portions for their children, and procure the transmission of benefices from father to son, as though glorying in the perpetuation of their shame. What peculiarly exasperated the good prelate was that the place of honour was accorded as a matter of course to the priests and their consorts at all the merry-makings and festivities of their parishioners, which shows how fully these unions were recognised as legitimate, and apparently, for prudential reasons, encouraged by the people.[2]

Similar customs, or worse, doubtless prevailed in Sleswick, for when Eggard was consecrated bishop in 1494, he signalised the commencement of his episcopate by forbidding his clergy to keep such female companions. The result was that before the year expired he was forced to abandon his see, and five years later he died, a miserable exile in Rome.[3]

In fact, so loose had become the conception as to celibacy that in some places priestly marriage was quietly

1 Wiæ Hist. Episc. Camin. c. 41.—These irregularities were not of recent introduction. The canon referred to is copied almost literally from a synod held nearly forty years before by Bishop Henning. In fact, from the description given by the latter of the drinking, gambling, trading, and licentiousness of the ecclesiastics of Camin, there was little of the clerical character about them.—Synod. Camin. ann. 1454 (Hartzheim V. 930).

2 Wiæ Hist. Episc. Camin. c. 42.—Synod. Sedinens. c. 5.

In West Prussia, in 1497, the synod of Ermeland expresses itself as scandalised by the priests taking their companions publicly to fairs and other gatherings, and, to put a stop to the practice, it offers to secret informers one-half of the fine imposed on such indiscretions.—Synod. Warmiens. ann. 1497 c. xxxix. (Hartzheim V. 668).

3 Boissen Chron. Slesvicens. ann. 1494.

resumed, subject to the condition of resigning benefices. In a formulary of the fifteenth century there are formulæ for conferring parish churches, canonries, and precentorships thus vacated by the wedlock of the incumbent.[1] Other churches had become established as hereditary, descending from father to son, and only in default of male issue did their collation revert to the bishop. The old rule rendering the bastards of priests incapable of preferment still remained on the books, but dispensations removing such disabilities for benefices without cure of souls were remanded to episcopal jurisdiction; a regular formula was provided for such cases, and, in the prevalent venality of the period, we may assume that they could be had by any applicant at a moderate price.[2]

The monastic Orders were no better than the secular clergy. When Ximenes was made Provincial of the Franciscan Order in Spain, he set himself earnestly at work to force the brethren to live according to the rule. The "Conventuals," as the great body of the Order was called to distinguish them from the "Observantines," led disorderly lives, almost purely secular, and refused absolutely to submit to the observance of their vows. King Ferdinand being appealed to, pronounced sentence of banishment upon them, and they absolutely preferred existence in exile to the insupportable yoke of their Order. Yet they considered themselves so aggrieved that when they left Toledo they marched in procession through the Puerta Visagra with a crucifix at their head, singing the 113th Psalm, "In exitu Israel de Egypto." When Ximenes was promoted to the primatial see of Toledo,

1 Formularium Instrumentorum ad usum Curie Romane, fol. 20a, 91a, 101b (s.l.e.a., Hain 7276.)—"Cum itaque parochialis ecclesia N. loci de N. quam nuper dilectus noster N. de N. ipsius ecclesie rector obtinebat ex eo vacet et vacare noscatur ad presens quod dictus P[resbyter] matrimonium per verba de presenti legitime cum quadam mulieri contraxit illudque secundum morem patrie solemnizavit et per carnalem copulam confirmavit," etc.

2 Ibid., fol. 20b, 21a.

the malcontents appealed to the Vicar General of the Order in Rome, who came to Spain and warmly espoused their cause, being only forced to desist by the decided stand taken by Queen Isabella in favour of Ximenes.[1] It was the same with the other monastic Orders. A bull of Alexander VI., issued in 1496 for the purpose of reforming the Benedictines, describes the inhabitants of many establishments of both sexes in that ancient and honoured institution as indulging in the most shameless profligacy; and marriage itself was apparently not infrequently practised.[2] Savonarola did not hesitate to declare that nuns in their convents became worse than harlots.[3] Even the strictest of all the orders—the Cistercian—yielded to the prevailing laxity. A general chapter, held in 1516, denounces the intolerable abuse indulged in by some abbots, who threw off all obedience to the rule, and dared to keep women under pretence of requiring their domestic services.[4] To fully appreciate the force of this indication. it is requisite to bear in mind the stringency of the regula-

[1] Robles, Vida del Card. Ximenes de Cisneros, cap. XII., XIII. *Cf.* Wadding, Annal Minor, ann. 1495, n. 34–36; ann. 1496, n. 10–15.

When the Franciscan general expressed to Isabella at great length the unworthiness and demerits of Ximenes, she quietly asked him whether he was sane and knew to whom he was speaking.—Gomesius de Rebus gestis Fr. Ximenii, Lib. I. fol. 14.

This reformation was not lasting. In 1545 Philip II. threatened to expel them all from Spain: Pius IV. proposed that they should gradually become extinct, by forbidding the reception of novices; but he finally empowered his legate to reduce them to observance of the rule or to extinguish them, as Philip might prefer.—Döllinger, Beiträge zur politischen, kirchlichen u. Cultur-Geschichte, I. 617 (Regensburg, 1862).

[2] Rursus in certis monasteriis dicti ordinis, ipsæ moniales apertis claustris, indifferenter omnes homines etiam suspectos intromittunt, ac extra monasteria in curiis, castris et plateis vagantes, plura scandala committunt . . . Similiter religiosi qui in sacris ordinibus constituti non sunt, relicto habito regulari, matrimonium contrahere dicuntur. . . . Præterea omnes et singulos monachos et moniales regulam S. Benedicti hujusmodi expresse vel tacite professos, qui habitum monasticum sine dispensatione legitima reliquerunt aut matrimonia contraxerunt, ad monasteria, *si illa exiverunt*, redire et habitum monasticum ac velum nigrum reassumere dicta auctoritate com[illegible]cis.—App. ad Chron. Cassinens. Ed. Dubreul, pp. 902–3.

The words italicised would seem to indicate that monks and nuns occasionally married without even quitting their monasteries.

[3] Perrens, Jérome Savonarole, p. 84.

[4] Statut. Ord. Cisterc. ann. 1516 (Martene Thesaur. IV. 1636–7).

tions which forbade the foot of woman to pollute the sacred retirement of the Cistercian monasteries.[1]

The efforts constantly made to check these abuses produced little result. A Carthusian monk, writing in 1489,

[1] Thus, in 1193, the general chapter of the Order promulgated the rule—"Si contigerit mulieres abbatiam ordininis nostri ex consensu intrare, ipse abbas a patre abbate deponatur absque retractatione. Et quicumque sine conscientia abbatis introduxerit, de domo ejiciatur, non reversurus, nisi per generale capitulum."—(Capit. General. Cisterc. ann. 1193 cap. 6—apud Martene Thesaur. IV. 1276.) The strictness with which this was enforced is illustrated by the proceedings in 1205 against the abbot of the celebrated house of Pontigny, because he had allowed the Queen of France and her train to be present at a sermon in the chapel and a procession in the cloisters, and to spend two nights in the infirmary. He adduced in his defence a special rescript of the Pope and a permission from the head of the Order in favour of the Queen, but these were pronounced insufficient, and sentence was passed that he merited instant deposition "quia tam enorme factum sustinuit, in totius ordinis injuriam," but that, in consequence of the powerful intercession of the Archbishop of Rheims and other bishops, he was allowed to escape with lighter punishment.—(Hist. Monast. Pontiniac.—Martene Thesaur. III. 1245.)

This rule, indeed, was almost universal in the ancient monasteries. The great abbey of St. Martin of Tours preserved it inviolate until the incursions of the Northmen rendered the house an asylum for the inhabitants of the surrounding territory, and the prohibition was subsequently revived and formally approved by Leo VII. in 938 (Leonis P.P. VII. Epist. vi.). In that of Sithieu, from the time of its foundation early in the seventh century, it was preserved without infraction for more than three centuries. Even the licence of the Carlovingian revolution did not cause its inobservance; and when, amid the disorders of the tenth century, the Counts of Flanders became lay abbots of the convent, and discipline was almost forgotten, the mediation of two bishops was required to obtain permission, about the year 940, for Adela, Countess of Flanders, prostrated with mortal sickness, to be carried in and laid before the altar, where she miraculously recovered.—(De Mirac. S. Bertin. Lib. II. c. 12.—Chron. S. Bertin. c. 23, 24.)

So when Boniface founded the abbey of Fulda, he prohibited the entrance of women in any of the buildings, even including the church. The rule was preserved uninfringed through all the licence of the tenth and eleventh centuries, and when, in 1132, the Emperor Lothair came to Fulda to celebrate Pentecost, his empress was not allowed to witness the ceremonies. So when Frederick Barbarossa, in 1135, spent his Easter there, he was not permitted to enter the town because his wife was with him. In 1370 Boniface IX., at the request of the Abbot John Merlaw, relaxed the rule and permitted women to attend at the services of the church—shortly after which it was destroyed by lightning, as a warning for the future.—(Paullini Chron. Badeslebiens. § viii.)—An equally convincing indication of the favour with which this regulation was regarded by Heaven was afforded when Abbot Helisacar, about the year 830, introduced it in the celebrated monastery of St. Riquier, and immediately the number of miracles worked by the relics of the saint increased in a notable degree (Chron. Centulensis Lib. III. cap. iv.).—At the Grande Chartreuse, founded by St. Bruno towards the end of the eleventh century, women were not even allowed to enter on the lands of the community.—Chart. S. Hugon, Gratianopolit. (Patrolog. T. 166, p. 1571).

deplores the fact that while monasteries were everywhere being reformed, few if any of them maintained their morals, but returned to their old condition immediately on the death of the zealous fathers who had sought to improve them.[1] That condition is described by a Benedictine abbot, the celebrated Trithemius, in general terms, as that of dens in which it was a crime to be without sin, their inhabitants for the most part being addicted to all manner of vices, and being monks only in name and habit.[2]

That the clergy, as a body, had become a stench in the nostrils of the people is evident from the immense applause which greeted all attacks upon them. In 1476 a rustic prophet arose in the hamlet of Niklaushausen, in the diocese of Wurzburg, who was a fit precursor of Muncer and John of Leyden. John of Niklaushausen was a swineherd, who professed himself inspired by the Virgin Mary. From the Rhinelands to Misnia, and from Saxony to Bavaria, immense multitudes flocked to hear him, so that at times he preached to crowds of twenty and thirty thousand men. His doctrines were revolutionary, for he denounced oppression both secular and clerical; but he was particularly severe upon the vices of the ecclesiastical body. A special revelation of the Virgin had informed him that God could no longer endure them, and that the world could not, without a speedy reformation, be saved from the divine wrath consequent upon them.[3] The unfortunate man was seized by the Bishop of Wurzburg; the fanatical zeal of his unarmed followers was easily subdued, and he expiated at the stake his revolt against the powers that were.

1 Anon. Carthus. de Relig. Orig. cap. XL. (Martene Ampliss. Coll. VI. 93).

2 Johan. de Trittenheim Lib. Lugubris de Statu et Ruina Monast. Ordinis cap. III.

3 Annuntia populo fideli meo, et dic quod Filius meus avaritiam, superbiam et uxuriam clericorum et sacerdotum amplius sustinere nec possit nec velit. Unde nisi se quantocius emendaverint, totus mundus propter eorum scelera periclitabitur. —Trithem. Chron. Hirsaug. ann. 1476.

Such being the state of ecclesiastical morality throughout Europe, there can be little wonder if reflecting men sought occasionally to reform it in the only rational manner—not by an endless iteration of canons, obsolete as soon as published, or by ingeniously varied penalties, easily varied or compounded—but by restoring to the minister of Christ the right to indulge legitimately the affections which bigotry might pervert, but could never eradicate. Even as early as the close of the thirteenth century, the high authority of Bishop William Durand had acknowledged the inefficacy of penal legislation, and had suggested the discipline of the Greek Church as affording a remedy worthy of consideration.[1] As the depravity of the Church increased, and as the minds of men gradually awoke from the slumber of the dark ages, and shook off the blind reverence for tradition, the suggestion presented itself with renewed force. At the Council of Constance Cardinal Zabarella did not hesitate to suggest that, if the concubinary practices of the clergy could not be suppressed, it would be better to concede to them the privilege of marriage,[2] and shortly after the failure of the council to effect a reform had became apparent, Guillaume Saignet wrote a tract entitled "Lamentatio ob Cælibatum Sacerdotum," in which he attacked the existing system, and called forth a rejoinder from Gerson. The Carmelite, Thomas Connecte, was a wandering preacher who filled France and the Low Countries with denunciations of popular vices, both lay and clerical. His eloquence won

1 Quum pene in omnibus conciliis et a plerisque Romanis pontificibus super cohibenda et punienda clericorum incontinentia, et eorum honestate servanda multa hactenus emanaverint constituta; et nullatenus ipsorum reformari quiverit correctio morum: . . . videretur pensandum an expediret et posset provideri quod in ecclesia Occidentali, quantum ad votum continentiæ, servaretur consuetudo ecclesiæ Orientalis, quantum ad promovendos, potissime quum tempore Apostolorum consuetudo ecclesiæ Orientalis servaretur.—Durand. de Modo General. Concil. P. II. rubr. 46 (Calixtus, p. 537).

2 Card. Zabarellæ Capit. Agend. in Concil. Constant. cap. XII. (Von der Hardt T. I. P. ix. p. 525).

immense applause, and his auditors were reckoned in crowds of from ten to twenty thousand souls. He was especially severe on the concubinage of all ranks of the clergy, and recommended a restoration of priestly marriage as the appropriate remedy; but when, in 1432, he ventured in Rome to lash the corruption of the Curia, he was found to be a heretic, and his career was ended at the stake.[1] When the Council of Basle was earnestly engaged in the endeavour to restore forgotten discipline, the Emperor Sigismund laid before it a formula of reformation which embraced the restoration of marriage to the clergy. His orator drew a fearful picture of the evils caused by the rule of celibacy—evils acknowledged by every one in the assembly—and urged that, as it had produced more injury than benefit, the wiser course would be to follow the example of the Greek Church.[2] A majority of the Council assented to the principle, but shrank from the bold step of adopting it. Eugenius IV. had just been forced to acknowledge the legitimacy of the body as an Œcumenic council; the strife with the papacy might again break forth at any moment, and it was not politic to venture on innovations too audacious. The conservatives, therefore, skilfully eluded the question by postponing it to a more favourable time, and the postponement was fatal.

One of the most celebrated members of the council, Cardinal Nicholas Tudeschi, surnamed Panormitanus, whose pre-eminence as an expounder of the canon law won for him the titles of "Canonistarum Princeps" and "Lucerna Juris," declares that the celibacy of the clergy was not essential to ordination or enjoined by divine law; and he records his unhesitating opinion that the question should be left to the option of the individual—those who had

[1] Monstrelet, Chronique, II., 53, 127.—Martene, Ampliss. Collect. VIII. 92.—Altmeyer, Précurseurs de la Réforme, I. 237.

[2] Zaccaria, Nuova Giustificaz. pp. 121–2.—Milman, Latin Christ. Book XIII. chap. 12.

resolution to preserve their purity being the most worthy, while those who had not would be spared the guilt which disgraced them.[1] So Æneas Sylvius, who as Pius II. filled the pontifical throne from 1458 to 1464, and who knew by experience how easy it was to yield to the temptations of the flesh, is reported to have said that marriage had been denied to priests for good and sufficient reasons, but that still stronger ones now required its restoration.[2] Indeed, when arguing before the Council of Basle in favour of the election of Amedeus of Savoy to the papacy, he had not scrupled to declare that a married priesthood would be the salvation of many who were damned in celibacy.[3] And we have already seen that Eugenius IV. in 1441, and Alexander VI. in 1496, granted permission of marriage to several military Orders, as the only mode of removing the scandalous licence prevailing among them.

This question of the power of the Pope to dispense with the necessity of celibacy seems to have attracted some attention about this period. In 1505, Geoffroy Boussard, afterwards Chancellor of the University of Paris, published a tract wherein he argued that priestly continence was simply a human and not a divine ordinance, and that the Pope was fully empowered to relax the rule in special cases, though he could not abolish wholly an institution of such long continuance which had received the assent of so many holy fathers and general councils. At the same time, one of his arguments in favour of its enforcement shows how little respect was left in the minds of all thinking men for the claims of the Church to veneration. He quotes

1 Not having the works of Tudeschi to refer to, I give his remarks as quoted by Villadiego (Fuero Juzgo, p. 177, No. 85) from Gloss. in cap. olim, de cleric. conjug.—"Quod deberet ecclesia facere sicut bonus medicus, ut si medicina, experientia docente, potius officit quam prodit, eam tollat; sic eorum voluntati relinqueretur, ita ut sacerdos qui abstinere noluisset, posset uxorem ducere, cum quotidie illicito coitu maculentur."

2 Sacerdotibus magna ratione sublatas nuptias, majori restituendas videri.—Platina in Vit. Pii II.

3 Æneæ Sylvii de Concil. Basil. Lib. II.

Bonaventura to the effect that if bishops and archbishops had licence to marry they would rob the Church of all its property, and none would be left for the poor, for, he adds, "since already they seize the goods of the Church for the benefit of distant relatives, what would they not do if they had legitimate children of their own?"[1]

When the advantages and the necessity of celibacy thus were doubted by the highest authorities in the Church, it is no wonder if those who were disposed to question the traditions of the past were led to reject it altogether. In 1479 John Ruchrath, of Oberwesel, graduate of Tubingen, and doctor of theology, in his capacity of preacher at Worms openly disseminated doctrines which differed in the main but little from those of Wickliffe and Huss. He denied the authority of popes, councils, and the fathers of the Church to regulate matters either of faith or discipline. The Scripture was the only standard, and no one had a right to interpret it for his brethren. The received observances of religion, prayers, fasts, indulgences, were all swept away, and universal liberty of conscience proclaimed to all. Of course, sacerdotal celibacy shared the same fate, as a superstitious observance contrived by papal ingenuity in opposition to evangelical simplicity.[2] Thus his intrepid logic far outstripped the views of his predecessors, and Luther afterwards acknowledged the similarity between his teachings and those of John of Oberwesel. Yet he had not the spirit of martyrdom, and the Inquisition speedily forced him to a recantation, which was of little avail, for he soon after perished miserably in the dungeon into which he had been thrust.[3]

Still more remarkable as an indication of the growing

1 De Continentia Sacerdotum, Nürnb. 1510, Prop. 6, 7.

2 Trithem. Chron. Hirsaug. ann. 1479. D'Argentré, Collect. judic. de novis Erroribus, I., II., 291 sqq.

3 Serrarii Hist. Rer. Mogunt. Lib. I. c. 34.

spirit of independence was an event which in July 1485 disturbed the stagnation of the centre of theological orthodoxy—the Sorbonne. A certain Jean Laillier, priest and licentiate in theology, aspiring to the doctorate, prepared his thesis or "Sorbonique," in which he broached various propositions savouring strongly of extreme Lollardry. He denied the supremacy of the Pope, and indeed reduced the hierarchy to the level of simple priesthood; he rejected confession, absolution, and indulgences; he refused to acknowledge the authority of tradition and legends, and insisted that the fasts enjoined by the Church had no claim to observance. Celibacy was not likely to escape so audacious an inquirer, and accordingly among his postulates were three, declaring that a priest clandestinely married required no penitence; that the Eastern clergy committed no sin in marrying, nor would the priests of the Western Church if they were to follow that example; and that celibacy originated in 1073, in the decretals of Gregory VII., whose power to introduce the rule he more than questioned. The Sorbonne, as might be anticipated, refused the doctorate to so rank a heretic, and Laillier had the boldness not only to preach his doctrines publicly, but even to appeal to the Parlement for the purpose of forcing his admission to the Sorbonne. The Parlement referred the matter to the Bishop of Paris and to the Inquisitor. A long controversy followed, and it required the interposition of Innocent VIII. before Laillier could be punished and forced to recant.[1] In Poland, too, there were symptoms of similar revolt against the established ordinances of the Church, as shown in a book published at Cracow in 1504, "De Matrimonia Sacerdotum."[2]

The corruption of the Church establishment, in fact, had

1 D'Argentré, I., II., 309 sqq.
2 Krasinski, Reformation in Poland, I. 110.

reached a point which the dawning enlightenment of the age could not much longer endure. The power which had been entrusted to it, when it was the only representative of culture and progress, had been devoted to selfish purposes, and had become the instrument of oppression in all the details of daily life. The immunity which had been serviceable through centuries of anarchy had become the shield of vices. The wealth so freely lavished upon it by the veneration of Christendom was wasted in excesses. All efforts at reformation from within had failed; all attempts at reformation from without had been successfully crushed and sternly punished. Intoxicated with centuries of domination, the muttered thunders of growing popular discontent were unheeded, while its corruptions were displayed before the people with more careless cynicism. There appeared to be no desire on the part of the majority of the clergy to make even a pretence of the virtue and piety on which were based their claims for reverence, while the laity were daily growing less reverent, were rising in intelligence, and were becoming more inclined to question where their fathers had been content to believe. Such a complication could have but one result.

CHAPTER XXV

THE REFORMATION IN GERMANY

The opening of the sixteenth century witnessed an ominous breaking down of the landmarks of thought. The revival of letters, which was fast rendering learning the privilege of all men in place of the special province of the legal and clerical professions; the discovery of America, which destroyed reverence for primeval tradition, and accustomed men's minds to the idea that startling novelties might yet be truths; the invention of printing, which placed within the reach of all inquirers who had a tincture of education the sacred writings for investigation and interpretation, and enabled the thinker and the innovator at once to command an audience and disseminate his views in remote regions; the European wars, commencing with the Neapolitan conquest of Charles VIII., which brought the nations into closer contact with each other, and carried the seeds of culture, civilisation, and unbelief from Italy to the farthest Thule; all these causes, with others less notable, had been silently but effectually wearing out the remnants of that pious and unquestioning veneration which for ages had lain like a spell on the human mind.

In this bustling movement of politics and commerce, arts and arms, science and letters, religion could not expect to escape the spirit of universal inquiry. Even before opinion had advanced far enough to justify examination into doctrinal points and dogmas, there was a general readiness to regard the shortcomings of sacerdotalism, in the administration of its sacred trust, with a freedom of

criticism which could not long fail to destroy the respect for claims of irrefragable authority. The disposition to criticise the abuses of the ecclesiastical system, to note its shortcomings, and to apply remedial measures was general, and savoured little of the respect which the Church had for so many centuries inculcated as one of the first of Christian duties. Its past services were forgotten in present wrongs. Its pretensions had at one time enabled it to be the protector of the feeble and the sole defence of the helpless, but that time had passed. Settled institutions were fast replacing anarchy throughout Europe, and its all-pervading authority would no longer have been in place, even if exercised for the common benefit. When it was notorious, however, that the powers and immunities claimed by the Church were largely employed for evil rather than for good, their anachronism became too palpable, and their destruction was only a question of time.

Signs of the coming storm were not wanting. In 1510 a series of complaints against the tyranny and extortion of Rome was solemnly presented to the Emperor. The German churches, it was asserted, were confided by the successors of St. Peter to the care of those who were better fitted to be keepers of mules than pastors of men, and the Pope was significantly told that he should act more tenderly and kindly to his children of Teutonic race, lest there might arise a persecution against the priesthood, or a general defection from the Holy See, after the manner of the Hussites.[1] The Emperor was warned, in his efforts to obtain the desired reform, not to incur the censures and enmity of the Pope, in terms which show that only the political effects of excommunication were dreaded, and that its spiritual thunders had lost their terrors. He was

[1] Gravamina German. Nationis, No. VII.—Remed. contra Gravamina (Freher. et Struv. II. 677-8).

In the previous century some remonstrances against grievances had been uttered, but in a very different tone from this.

further cautioned against the prelates in general, and the mendicant friars in particular, in a manner denoting how little reverence was left for them in the popular mind, and how thoroughly the whole ecclesiastical system had become a burden and reproach, and no longer an integral part of every man's life and the great motive power of Christendom.[1]

It was evident that the age was rapidly outstripping the Church, and that the latter, to maintain its influence and position, must conform to the necessities of progress and enlightenment. On previous occasions it had done so, and had, with marvellous tact and readiness, adapted itself to the exigencies of the situation in the long series of vicissitudes which had ended by placing it supreme over Europe. But centuries of almost uninterrupted prosperity had hardened it. The corruption which attends upon wealth had rendered wealth a necessity, and that wealth could only be had by perpetuating and increasing the abuses which caused ominous murmurs of discontent in those nations not hardy enough to set limits to the authority of the Holy See. The Church had lost its suppleness, and was immovable. A reform such as was demanded, while increasing its influence over the souls of men, would have deprived it of control over their purses; reform meant poverty. The sumpter-mule loaded with gold, wrung from the humble pittance of the Westphalian peasant, under pretext of prosecuting the war against the infidel, would no longer cross the Alps to stimulate with its treasure the mighty genius of Michael Angelo, or the fascinating tenderness of Raphael; to provide princely revenues for the bastards of a pope, or to pay mercenaries who were to win them cities and lordships; to fill the antechamber of a cardinal with

1 Avisamenta ad Cæsar. Majest. (Ibid. p. 680).

parasites, and to deck his mistresses with the silks and jewels of Ind; to feed needy men of letters and scurrilous poets; to soothe the itching palms of the Rota, and to enable all Rome to live on the tribute so cunningly exacted of the barbarian.[1] The wretched ending of the Council of Basle rendered any internal reformation impossible which did not derive its initiative and inspiration from Rome. In Rome, it would have required the energy of Hildebrand, the stern self-reliance of Innocent, the unworldly asceticism of Celestin combined, even to essay a reform which threatened destruction so complete to all the interests accumulated by sacerdotalism around the Eternal City. Leo X. was neither Hildebrand, nor Innocent, nor Celestin. With his voluptuous nature, elegant culture, and easy temper, it is no wonder that he failed to read aright the signs of the times, and that he did not even recognise the necessity which should impose upon him a task so utterly beyond his powers. The fifth Council of Lateran had no practical result.

1 When Diether was elected Archbishop of Mainz, in 1459, his envoys sent to obtain his confirmation from Pius II. were stupefied with a demand for 20,506 florins —more than double the amount of annates previously assessed on the see. He refused to yield to the demand, but the Roman bankers had already advanced to the members of the Curia their shares of the spoils, and on his persistent refusal he was deposed by the Pope, and Adolph of Nassau appointed in his place, leading to a bloody war and the devastation of city and territory.—Appell. Dom. Dytheri (Senckenberg, Selecta Juris T. IV. p. 393).—*Cf.* Helwich de Dissidio Moguntino (Rer. Moguntiac. Script. T. II.). This is probably the fraud alluded to by the Diet of 1510, where it was complained that the annates of the see of Mainz were raised from 10,000 florins to 25,000; and this latter sum was exacted seven times in one generation, resulting in taxation on the peasantry so severe that an insurrection against the clergy was threatened.—Remed. contra Gravam. (Freher. et Struv. II. 678.)

In the complaint made to Adrian VI., in 1523, by the Diet of Nürnberg, it is asserted that three generals of the mendicant Orders at Rome had purchased the cardinalate with gold wrung from Germany.—Gravam. Nationis German. cap. lxxiii. —*ap.* Le Plat, Monument. Concil. Trident. II. 203.

That this estimate of the papal Curia was shared by the orthodox is shown in the story told of Pierre Danes, Bishop of Vaur, who in 1545 was sent as ambassador by Francis I. to the Council of Trent. In debate a French theologian was inveighing against the corruptions of the Rota, when an Italian ecclesiastic sneeringly cried out, "Gallus cantat." Danes promptly rejoined, "Utinam illo gallicinio Petrus ad resipiscentiam et fletum excitetur."—Le Plat, Monument. Concil. Trident. VII. 224.

Blindly he plunged on: money must be had at any cost, until the methods employed in marketing the St. Peter's indulgence attracted the attention of Luther, and Teutonic insubordination burst forth at the sound of his voice.[1]

It would be a mistake to credit Luther with the Reformation. His bold spirit and masculine character gave to him the front place, and drew around him the less daring minds who were glad to have a leader to whom to refer their doubts, and on whom their responsibility might partly rest; yet Luther was but the exponent of a public sentiment which had long been gaining strength, and which in any case would not have lacked expression. In that great movement of the human mind he was not the cause, but the instrument. Had his great opponent Erasmus enjoyed the physical vigour and practical boldness of Luther, he would have been handed down as the heresiarch of the sixteenth century. He too had borne his full share in preparing the minds of men for what was to come. The whole structure of sacerdotalism felt the blows of his irreverential spirit, which boldly declared that the Scriptures alone contained what was necessary to salvation.[2] Theological subtleties and priestly observances were alike useless or worse than useless. For the living, it was idle to attend Mass; for the dead, it was folly to look to such a means for extrication from purgatory.[3] The confessional was to be visited only as a formal prerequisite to partaking of the Eucharist;[4] pilgrimages and the veneration

1 The briefs of Leo X. from March 1513 to October 1515, calendared by Cardinal Hergenrother (Leonis X. Regestu, Friburgi, 1884–1891) throw abundant light on the worldliness and venality of the papal court of the period, the reckless prodigality of Leo, and the ruinous financial expedients to which he resorted. Not the least of his burdens was the gigantic enterprise of rebuilding the church of St. Peter, inherited from Julius II.

2 Erasmi Colloq. Confabulatio Pia.

3 Ibid. See also the Encomium Moriæ.—"Nam quid dicam de iis qui sibi fictis scelerum condonationibus suavissime blandiuntur, ac purgatorii spatia veluti clepsydris metiuntur, secula, annos, menses, dies, horas, tanquam e tabula mathematica citra ullum errorem dimentientes?"

4 Confabulatio Pia.

of relics were ridiculed with a reckless freedom which showed how shaken was the reverence of the past.[1] Nothing, indeed, can give us a more thorough conviction of the readiness of the public to welcome a radical change than the wealth of indignant bitterness which Erasmus, himself a canon regular and a priest, heaps upon all orders of the Church, and the immense applause which everywhere greeted his attacks. His sarcastic humour, his biting satire, his exquisite ridicule, nowhere find a more congenial subject than the vices of the monks, the priests, the prelates, the cardinals, and even of the Pope himself, until even Luther, as late as 1517, feels constrained to deplore that the evils which afflicted the Church should be thus exposed to derision.[2] It affords a curious illustration of the times to read those writings which a century earlier might have led him to share the fate of John Huss and Jerome of Prague, and to reflect that he was not only the admiration of both the learned and the vulgar of Europe, but also the petted *protégé* of king and kaiser, the correspondent of popes, and finally the champion of the system which he had so ruthlessly reviled, and which he never ceased to deplore.[3] The extraordinary favour with which

1 Speaking of the Virgin's milk and the countless relics of the cross everywhere exposed to the adoration of the pious, he exclaims, "O matrem filio simillimam ! ille nobis tantum sanguinis reliquit in terris ; hæc tantum lactis quantum vix credibile est esse posse uni mulieri uniparæ, etiamsi nihil bibisset infans . . . Idem caussantur de cruce Domini, quæ privatim ac publice tot locis ostenditur, ut si fragmenta conferantur in unum, navis onerariæ justum onus videri possint ; et tamen totam crucem suam bajulavit Dominus "—to which he makes a pious interloculor reply, "Novum fortasse dici possit ; mirum nequaquam, quum Dominus, qui hæc auget pro suo arbitrio, sit omnipotens."—Colloq. Peregrinat. Religionis.

2 Supplement. Epist. M. Lutheri, No. II. (Halæ, 1703.)

3 The popular view of the priesthood is well summed up by Erasmus in the following dialogue : "Cocles, Cur mavis sacerdotium quam uxorem ?—Pamphagus, Quia mihi placet otium. Arridet Epicurea vita.—Co. At mea sententia suavius vivunt, quibus est lepida puella domi, quam complectantur, quoties libet.—Pam. Sed adde, nonnunquam quum non libet. Amo voluptatem perpetuam. Qui ducit uxorem, uno mense felix est : cui contingit optimum sacerdotium, in omnem usque vitam fruitur gaudio.—Co. Sed tristis est solitudo, adeo ut nec Adam suaviter victurus fuerit in Paradiso nisi deus illi adjunxisset Evam.—Pam. Non deerit Eva cui sit opulentum sacerdotium," &c.—Erasmi Colloq. de Captandis Sacerdotiis.

It is, however, perhaps in the "Encomium Moriæ" that he gives fullest rein to

his works were received by all classes shows how fully he was justified in the indignation which he so unsparingly lavished on clerical abuses, and how eagerly the public appreciated one who could so well express that which was felt by all. Equally significant was the popularity of the "Epistolæ Obscurorum Virorum," in which the learned wits of the new school poured forth upon the clergy a broad and homely ridicule which exactly suited the taste of the age;[1] while Cornelius Agrippa more than rivalled Erasmus in the wealth of vigorous denunciation with which he lashed the vices of all the orders of ecclesiastics, from the Pope to the béguine.[2]

Not less indicative of the dangerous state of opinion was an address delivered in the diet held at Augsburg in

his bitter satire. His own sad experience of conventual life gave him special opportunity of declaiming against the monks "qui se vulgo religiosos ac monachos appellant, utroque falsissimo cognomine, quum et bona pars istorum longissime absit a religione, et nulli magis omnibus locis sint obvii." Their habit, their observances, their discipline, their ignorance, idleness, vices, are recounted at great length and with the most stinging ridicule, and he makes Folly dismiss them with the contemptuous valediction, "Verum ego istos histriones, tam ingratos beneficiorum meorum dissimulatores quam improbos simulatores pietatis libenter relinquo." The secular priesthood, the bishops, and even the Pope himself are treated with little more respect, and every class of the ecclesiastical body is stigmatised as endeavouring to thrust upon others the care of the flock and industrious only in shearing the sheep.

The "Encomium Moriæ" had an immediate and immense success. Numberless editions were required to supply the avidity of the learned, and it was immediately translated into almost every language of Europe for the benefit of the unlearned. It appeared in 1509; the Colloquies in 1516.—When these works had produced their result, their dangerous tendencies were discovered, and they enjoyed the honour of being included in the first Index Expurgatorius (App. Concil. Trident.). Cardinal Caraffa, indeed, in 1538, had urged upon Paul III. the propriety of excluding the Colloquies from use in schools as a text-book for students.—Concil. de Emend. Eccles. (Le Plat, Monument. Concil. Trident. II. 602.)

1 The "Epistolæ Obscurorum Virorum" was certainly published before 1516, probably in 1515 (Ebert, Bibliog. Dict. s. v.).—It is equally severe upon the monks—"Tunc ille dixit: ego distinguo de monachis, quia accipiuntur tribus modis. Primo, pro sanctis et utilibus, sed illi sunt in cœlo. Secundo, pro nec utilibus nec inutilibus, et illi sunt picti in ecclesia. Tertio, modo pro illis qui adhuc vivunt, et illi multis nocent, etiam non sunt sancti, quia ita superbi sunt sicut unus sæcularium. Et ita libenter habent pecunias et pulchras mulieres," &c. And again, "Ubi enim diabolus pervenire vel aliquid efficere non potest, ibi semper mittit unam malam antiquam vetulam vel unum monachum."

2 De Vanitate Scientiarum cap. lxi., lxii., lxiv.

1518, when the legates of Leo X. appealed to Germany for a tithe to assist in carrying on the war against the Turk. The orator who replied to them did not restrain his indignation at the deplorable condition of the Church, which he attributed solely to the worldly ambition of the popes. Since they had united temporal with spiritual dominion—or, rather, since they had allowed temporal interests to divert them wholly from their spiritual duties —all had gone amiss. Christendom was despoiled from without, and filled with tumult within. Religion was openly contemned; Christ was daily bought and sold; the sheep were shorn, and the pastor took no care of them. He did not even hesitate to charge, with emphasis and at much detail, that the money extorted from Germany under pious pretexts was squandered in Italy on the private quarrels and for the aggrandisement of the papal houses and those of the members of the sacred college.[1] All other nations were protected from papal rapacity and tyranny by formal agreements. Germany alone was surrendered defenceless, and not only were her bishops plundered, but even the smallest benefice conld not be confirmed without the recipient running the gauntlet of a horde of officials whose exactions forced him to sell the very furniture of his church. As the rules of law and the dictates of justice were equally disregarded, the popular sentiment was becoming openly hostile to the Church.[2] A state of feeling which dictated and permitted such a declaration from the supreme representative body of the empire, when brought into collision with the pretensions of the Holy See, now more exaggerated than ever, could have but one result—revolution.

With all this licence, Germany was still, by the force of circumstances, less independent of the papacy than any

1 Orat. in Comit. Augustan. (Freher. et Struv. II. 702.)

2 Bartholini Comment. de Comit. Augustens. ann. 1518 (Senckenberg. Selecta Juris T. IV. pp. 669–70).

other Tramontane power. The fractioning of the empire since the death of Barbarossa, carefully stimulated by papal intrigues, had deprived it of unity and prevented the consolidation of a power capable of resisting the encroachments of the Curia, which sucked the life-blood of both priest and peasant, and rendered the very name of Rome hateful to all, but especially to Teutonic ecclesiastics.[1] What was going on elsewhere in Europe may be guessed from the humiliating conditions exacted in 1517 of Silvester Darius, the papal collector, on his assuming the functions of his important office in England. He bound himself by oath not to execute any letters or mandates of the Pope injurious to the King, the kingdom, or the laws; not to transmit from England to Rome, without a special royal licence, any gold, or silver, or bills of exchange; not to leave the kingdom himself without a special licence under the great seal; with other less notable restrictions, the practical effect of all being to place him and his duties wholly under the control of the King.[2] The position of England had changed since the days of Innocent and John. Had the dissensions of Germany permitted equal progress, Luther might perhaps have only been known as an obscure but learned orthodox doctor, and the inevitable revolt of half of Christendom have been postponed for a century.

It is not my province to follow in detail the vicissitudes of the Reformation, but only to indicate briefly its relations with sacerdotal asceticism. Luther at first, like Wickliffe and Huss, paid no attention to the subject. In fact, when on the 31st of October, 1517, he nailed on the church door of Wittenberg his celebrated ninety-five propositions, nothing was further from his expectations than to create a

[1] See the dispatches of the nuncio Aleander and the letter of Archbishop Albert of Mainz to Pope Leo, in Balan, Monument. Reform. Lutherean, pp. 31-2, 58, 74, 98, 165, 268–9.

[2] Rymer, Fœdora XIII. 586–7.

heresy, a schism, or even a general reform in the Church. He had simply in view to vindicate his ideas on the subject of justification, derived from St. Augustin, against the Thomist doctrines which had been exaggerated into the monstrous abuses of Tetzel and his fellows.[1] In the general movement of the human mind at that period so much had been said that was inimical to the received practices of the Church, without calling forth the thunders of Rome, that men seemed to think the day of toleration had at last come. The hierarchy sat serenely upon their thrones, and in the confidence of unassailable power appeared willing to allow any freedom of speculation which did not assail their temporal privileges. Yet amid the general agitation and opposition to Rome which pervaded society, it was impossible for a bold and self-reliant spirit such as Luther's not to advance step by step in a career of which the ultimate goal was as little foreseen by himself as by others. Still his progress was wonderfully slow. Even in 1519 he still considered himself within the pale of the Church: in a letter to Leo X. he protested before God that he did not seek in any way to attack the power of either the Pope or the Roman Church, which he held to be supreme over all in heaven and earth, save Jesus Christ alone;[2] and in the same year, in a sermon on matrimony, he alluded not unfavourably to the life of virginity.[3] Events soon after forced him to further and more dangerous innovations, yet when Leo X., in June 1520, issued his celebrated bull, "Exsurge Domine," to crush the rising

[1] Even in this Luther was by no means the first. Erasmus had exposed the demoralisation of the system with fully as much fervour in the "Encomium Moriæ." —"Hic mihi puta negotiator aliquis, aut miles, aut judex, abjecto ex tot rapinis unico nummulo, universam vitæ Lernam semel expurgatam putat, totque perjuria, tot libidines, tot ebrietates, tot rixas, tot cædes, tot imposturas, tot perfidias, tot proditiones existimat velut ex pacto redimi, et ita redimi ut jam liceat ad novum scelerum orbem de integro reverti."—And in the "Epistolæ Obscurorum Virorum" the falseness of its promises was unflinchingly asserted.

[2] Lutheri Opp. T. I. fol. 210b (Jenæ, 1561).

[3] Ibid. T. I. fol. 335a.

heresy, in the forty-one errors enumerated as taught by Luther there is no allusion to any doctrine specially inimical to ascetic celibacy.[1] At almost the same moment, however, Luther, in his address to the Christian nobles of Germany, proposed that through the intervention of a general council the privilege of marriage should be granted to parish priests, and this was speedily followed by the suggestion that vows of chastity taken before the age of eighteen should be invalid.[2]

The papal condemnation, followed as it was by the public burning of his writings, aroused Luther to a more active and aggressive hostility than he had previously manifested. In his book "De Captivitate Babylonica Ecclesiæ" he attacked the sacrament of ordination, denied that it separated the priest from his fellows, and ridiculed the rule concerning digami, which excluded from the priesthood a man who had been the husband of any but a virgin, while another who had polluted himself with six hundred concubines was eligible to the episcopate or papacy.[3] Finally, on 10th December 1530, he proclaimed war to the knife by burning at Wittenberg the books of the canon law, and justifying his act by a manifesto recapitulating the damnable doctrines contained in them. Among these he enumerates the prohibition of sacerdotal marriage as the origin and cause of excessive vice and scandal.[4] As he said himself, hitherto he had only been playing at controversy with the Pope, but this was the beginning of serious work.[5] Soon after this, in a controversy with Ambrogio Catarino, he stigmatised the rule of celibacy as angelical in appearance, but devilish in reality, and invented by Satan as a fertile source of sin and perdition.[6]

1 Mag. Bull. Roman. Ed. 1692, I. 614.
2 Herzog, Abriss, T. III. p. 34.—Lutheri Opp. T. I. fol. 359b.
3 De Captiv. Babylon. Eccles. (Lutheri Opp. II. fol. 283a.)
4 Artic. et Errores Libb. Jur. Canon. No. 18 (Lutheri Opp. II. fol. 318a).
5 Ibid. fol. 319b.
6 Ibid. fol. 362a, 374a.

In the mighty movement which was agitating men's minds, Luther had been anticipated in this. As early as 1518, a monk of Dantzic named James Knade abandoned his order, married, and publicly preached resistance to Rome. It is evident that in this he had the support of the people, for though he was imprisoned and tried by the ecclesiastical authorities, the only punishment inflicted on him was banishment.[1] In the multitude of other questions more interesting to the immediate disputants this point of discipline seems to have attracted but little attention until 1521, when during Luther's enforced seclusion in the Wartburg, Bartholomew Bernhardi, pastor of Kammerich, near Wittenberg, put the heresiarch's views into action in the most practical way by obtaining the consent of his parish and celebrating his nuptials with all due solemnity. Albert, Archbishop of Mainz and Magdeburg, addressed to Frederic, Elector of Saxony, a demand for the rendition of the culprit, which that prudent patron of the Reformation skilfully eluded, and Bernhardi published a short defence or apology in which he denounced the rule of celibacy as a "frivolam traditiunculam." He argued the matter, quoting the texts which since his time have been generally employed in support of sacerdotal marriage: he referred to Peter and Philip, Spiridion of Cyprus, and Hilary of Poitiers, as examples of married bishops; quoted the story of Paphnutius, and relied on the authority of the Greek Church. This apparently did not satisfy the archbishop, for Bernhardi felt obliged to address a second apology to Frederic of Saxony, to whom he appealed for protection against the displeasure of his ecclesiastical superiors.[2] In spite of molestation, he continued in the exercise of his priestly functions until death. Less fortunate were his immediate imitators. A priest of Mansfield

[1] Krasinski, op. cit. I. 112–3.

[2] Lutheri Opp. Jenæ, 1581, T. II. fol. 438, 440.

who took to himself a wife was thrown into prison at Halle by Albert of Mainz, and Jacob Siedeler, pastor of Glashütten, in Misnia, who was guilty of the same crime, perished miserably in the dungeon of Stolpen, to which he was committed by Duke George of Saxony.[1]

The enthusiastic Carlostadt, relieved for the time from the restraint of Luther's cooler wisdom, threw himself with zeal into this new movement of reform, and lost no time in justifying it by a treatise in which he argued strenuously in favour of priestly marriage, and energetically denounced the monastic vows as idle and vain. Luther, however, in his retreat, seems not yet prepared to take any very decided position. In a letter of 17th January 1522, to Wolfgang Fabricius Capito, one of the officials of the Archbishop of Mainz, and a favourer of the Reformation, he takes the latter severely to task with respect to his action in a case of the kind—probably that of the priest of Mansfield alluded to above. The man had been set at liberty, but forced to separate himself from his wife, and Capito had defended himself on the ground that the woman was a harlot. Luther asks him why he had been so earnest with a single strumpet, when he had taken no action with so many under his jurisdiction in Halberstadt, Mainz, and Magdeburg, and adds that when the priest had acknowledged the woman as his wife there should have been nothing further done. He proceeds to say, however, that he does not ask for the freedom of sacerdotal marriage, and that he is not prepared to take any general position concerning it, except that it is lawful under God.[2] Either with or without his approbation, however, his friends lost no time in enforcing the new dogma, which they proclaimed to the world in the most authoritative manner. During the same year Luther's own Augustinian Order

[1] Spalatin. Annal. ann. 1521.
[2] Lutheri Epist. Jenæ, 1545, T II. fol. 38, 39.

held a provincial synod at Wittenberg, in which they formally threw open the doors of the monasteries, and permitted all who desired it to return to the world, declaring that in Christ there was no distinction between Jew and Greek, monk and layman, and that a vow in opposition to the Gospel was no vow, but an impiety. Ceremonies, observances, and dress were pronounced futile; those who chose to abide by the established rule were free to do so, but their preferences were not to be a law to their fellows. Those who were fitted for preaching the Word were advised to depart; those who remained were obliged to perform the manual labour which had been so prominent a portion of primitive Teutonic monasticism, and mendicancy was strictly forbidden. In a few short and simple canons a radical rebellion thus declared itself in the heart of an ancient and powerful order, and principles were promulgated which were totally at variance with sacerdotalism in all its protean forms.[1]

This broad spirit of toleration did not suit the views of the more progressive reformers. In Luther's own Augustinian convent at Wittenberg, one of his most zealous adherents, Gabriel Zwilling, preached against monachism in general, taking the ground that salvation required the renunciation of their vows by all who had been ensnared into assuming the cowl; and so great was his success that thirteen monks at once abandoned the convent. Yet even on Luther's return to Wittenberg he at first took no part in the movement. He retained his Augustinian habit, and continued his residence in the convent; but before the close of the year (1522) he put forth his work, "De Votis Monasticis," in which he fully and finally adopted the views of his friends, and showed himself as an uncompromising enemy of monasticism.[2] How difficult it was for

1 Synod. Vuitemberg. (Lutheri Opp. II. 470.)

2 Lutheri Opp. II. 477 sqq.—In this edition the tract is dated 1522 in the

him, however, to shake off the habitudes in which he had been trained is shown by the fact that, even at the end of 1523, he still sometimes preached in his cowl and sometimes without it.[1]

Notwithstanding the zealous opposition of the orthodox ecclesiastical authorities, the doctrine and practice of Wittenberg were not long in finding earnest defenders and imitators. But few such marriages, it is true, are recorded in 1522, although Balthazar Sturmius, an Augustinian monk of Saxony, committed the bolder indiscretion of marrying a widow of Franconia. In that year, however, we find Franz von Sickingen, knight-errant and condottiere, who was then a power in the state, advocating the emancipation and marriage of the religious orders, in a letter to his father-in-law, Diedrich von Henthschuchsheyn. Still more important was the movement inaugurated in Switzerland by Ulrich Zwingli, who, with ten other monks of Nôtre-Dame-des-Hermites, on July 2, 1522, addressed to Hugo von Hohenlandemberg, Bishop of Constance, a petition requesting the privilege of marriage. The petitioners boldly argued the matter, citing the usual Scriptural authorities, and adjured the bishop in the most pressing terms to grant their request. They warned him that a refusal might entail ruinous disorders on the whole sacerdotal body, and that, unless he seized the opportunity to guide the movement, it might speedily assume a most disastrous shape. They asserted, indeed, that not only in Switzerland, but elsewhere, it was generally believed that a majority of ecclesiastics had already chosen their future wives, and that a return to the old order of things was beyond the power of man to accom-

index and 1521 in the text. Henke and Ranke, however, agree in assigning it to a period subsequent to his return from Wartburg.

[1] Spalatin. Annal. ann. 1523.—The fact that Spalatin recorded whether he wore the cowl or not, shows the importance which Luther's friends attached to his example with respect to it.

plish. This was followed, July 13, by a similar memorial addressed to the Government of the Swiss Confederacy. The signers frankly admitted their inability to preserve chastity, and asked the State to protect them in their marriages if the bishop allowed them to marry.[1]

In this assertion, Zwingli and his companions followed perhaps rather the dictates of their hopes than of their judgment, for the revolution was by no means as universal or immediate as their threats or warnings would indicate. Its progress, nevertheless, was rapid and decided. In Zurich the secular authorities gave permission to all nuns to abandon their cloisters; in 1523, Leo Judæ, Zwingli's foremost disciple and parish priest of St. Peters, married a former béguine, and in 1524 Zwingli himself married Anna Reinhart, widow of Hans Meyer, with whom he had been living as man and wife since 1522.[2] In Germany, Luther, whom we have seen, in the earlier part of 1522, still giving but a qualified assent to the daring innovation of his followers, in February 1523 wrote to Spalatin in favour of a married pastor who was seeking preferment at the hands of the Elector Frederic;[3] and in April 1523 he himself officiated and preached a sermon in favour of matrimony to a multitude of distinguished friends at the wedding of Wenceslas Link, vicar of the Augustinian Order, one of his oldest and most valued supporters, who had stood unflinchingly by him when arraigned by Cardinal Caietano before the Emperor Maximilian at the Diet of Augsburg.[4] Not less important was the countenance

1 Spalatin. Annal. ann. 1522.—Huldreich Zwingli, by Samuel Macauley Jackson, p. 166 (New York, 1901).

2 Jackson's Huldreich Zwingli, p. 232.—Herzog, Abriss, III. 76. See Ibid. p. 88, for the contest in Basle over the marriage of Stephan Stoer, pastor of Liestal, where Œcolampadius maintained the unscriptural character of the canon of celibacy.

3 Supplement. Epistt. M. Lutheri No. 31 (Halæ, 1703).

4 Spalatin. Annal. ann. 1523.—Thammii Chron. Colditens.—Link married a daughter of Suicer, a lawyer of Oldenburg, in Misnia, and the bride's example was shortly afterwards followed by her two sisters, one of whom was united to Wolfgang

given to the innovation, two days later, by the Elector Frederic, who consented to act as sponsor at the baptism of the first-born of Franz Gunther, pastor of Loch,[1] the ceremony being performed by the honest chronicler Spalatin himself.

It is curious to see in Spalatin's diary how each successive marriage is recorded as a matter of the utmost interest, the hopes of the reformers being strengthened by every accession to the ranks of those who dared to defy the rules which had been deemed irreversible for centuries. Nor was it an act without danger, for no open rupture had as yet taken place between the temporal power of any state and the central authority at Rome. Even in electoral Saxony, though Duke Frederic, by a cautious course of passive resistance, afforded protection to the heretics, yet he still considered himself a Catholic, and the ritual of his chapel was unaltered. Elsewhere the ecclesiastical power was bent on asserting its supremacy over the licentious apostates who ventured to sully their vows and prostitute the sacrament of marriage by their incestuous unions. The old charge of promiscuous intercourse was resorted to in their case, as it has been with almost every heresy in every age, for the purpose of exciting popular odium,[2] and wherever the discipline of the Church could be enforced, it was done unsparingly. The temper of these endeavours to repress the movement is well illustrated by

Fuess, parish priest of Kolditz, and formerly a monk of Gera; while the other accepted the addresses of the parish priest of Kitscheren. (Spalatin, ubi sup.)

[1] Spalatin, ubi sup.—How these innovations were regarded in Rome is manifested in a minatory epistle addressed, in 1522, by Adrian VI. to the Elector Frederic of Saxony. "Et cum ipse sit apostata ac professionis suæ desertor, ut plurimos sui faciat similes, sancta illa Deo vasa polluere non veretur, consecratasque virgines et vitam monasticam professas extrahere a monasteriis suis, et mundo imo diabolo quem semel abjuraverunt, reddere . . . Christi sacerdotes etiam vilissimis copulant meretricibus," etc. (Hartzheim VI. 192.)

[2] See the address of Frederic Nausea, surnamed Blancicampianus, afterwards Bishop of Vienna, at the Council of Mainz in 1527.—Synod. Mogunt. ann. 1527 (Hartzheim VI. 207).

the regulations promulgated under the authority of the Cardinal-legate Campeggio, when in 1524 he succeeded in uniting a number of reactionary princes at the Assembly of Ratisbon. Deploring the sacrilege committed in the marriages of priests and monks, which were becoming extremely common, he granted permission to the secular powers to seize all such apostates and deliver them to the ecclesiastical officials, significantly restraining them, however, from inflicting torture. The officials were empowered to condemn the offenders to perpetual imprisonment, or to hand them over to the secular arm—a decent euphuism for a frightful death; and any negligence on the part of the ordinaries exposed those officers to the pains and penalties of heresy.[1]

In spite of all this, however, the votaries of marriage had the support and sympathy of the great body of the people. It shows how widely diffused and strongly implanted was the conviction of the evils of celibacy, when those who four centuries earlier had so cruelly persecuted their pastors for not discarding their wives now urged them to marriage, and were ready to protect them from the consequences of the act. Thus, during the summer of 1524, Wolfgang Fabricius Capito, provost of St. Thomas and priest of the church of St. Peter at Strassburg, whom we have seen two years earlier prosecuting a married priest, took to himself a wife, by the request of his parishioners; and when the chapter of canons endeavoured to interfere with him, the threatening aspect of the populace warned them to desist. Nor was this the only case, for Bishop William undertook to excommunicate all the married priests of Strassburg, when the senate of the city resolutely espoused their cause, and even the authority of the legate Campeggio could not reconcile the quarrel.[2]

1 Reformat. Cleri German. ann. 1524 c. 26 (Goldast. Constit. Imp. III. 491).
2 Spalatin. Annal. ann. 1524.

Even higher protection was sometimes not wanting. When Adrian VI., in 1522, reproached the Diet of Nürnberg with the inobservance of the decree of Worms and the consequent growth of Lutheranism, and King Ferdinand, in the name of the German states, replied that a council for the reformation of the Church was the only remedy, the question of married priests arose for discussion. The German princes alleged that they could find in the civil and municipal laws no provisions for the punishment of such transgressions, and that the canons of discipline could only be enforced by the ecclesiastical authorities themselves, who ought not to be interfered with in the discharge of their duty by the secular authorities.[1] This was scant encouragement, but even this was often denied in practice. When, in 1523, Conrad von Tungen, Bishop of Wurzburg, threw into prison two of his canons, the doctors John Apel and Frederic Fischer, for the crime of marrying nuns, the Council of Regency at Nürnberg forced him to liberate them in a few weeks.[2] The latter fact is the more remarkable, since but a short time previously (6 March, 1523) the Imperial Diet at Nürnberg, under the auspices of the same Regency, had expressed its desire to give every assistance to the ecclesiastical authority in enforcing the canons. In a decree on the subject of the religious disturbances it adopted the canon law on celibacy as part of the civil law, pronouncing sentence of imprisonment and confiscation on all members of the clergy who should marry, and ordering the civil power in

1 Respons. S. R. I. Ordinum Norimb. cap. 18 (Goldast. op. cit. I. 455).—With this the Legate Cheregato professed himself to be content, but he bitterly complained of an intimation that if these apostate priests and nuns transgressed the laws in any other way, the secular tribunals would punish them. He held that, though apostates, they were still ecclesiastics, only amenable to the courts Christian, and he protested against any violation of the privileges and jurisdiction of the Church such as would be committed in bringing them before a civil magistrate. (Ibid. p. 456.)

2 Spalatin. ann. 1523.

all cases to assist the ecclesiastical in its efforts to punish offenders.[1]

In the Low Countries, under the Regency of Margaret of Austria, the civil power not only assisted but stimulated the ecclesiastical to its duty. A conspicuous case was that of Jan de Backer (Pistorius) of Woerden, who had married, abandoned the priesthood, and supported himself by manual labour, until the preaching of the St. Peter's indulgence in Woerden induced him to resume the tonsure and priestly functions in order to combat it. It illustrates the disciplinary looseness of the pre-Reformation period that he seems not to have been disturbed in his apostacy and marriage, but the Lutheran revolt had created a different temper. He was arrested and carried to The Hague, where he was tried by the inquisitors of Louvain, who earnestly endeavoured to induce him to abandon his wife and recant his errors as to papal authority, purgatory, &c., but in vain. There was nothing left to do with him but to burn him alive, which was executed accordingly, 15 September, 1525.[2]

The emancipation of nuns excited considerable public interest, and in many instances was effected by aid from without. A certain Leonhard Kopp, who was a determined enemy of monachism, rendered himself somewhat notorious by exploits of the kind. One of the earliest instances was that by which, on Easter Eve, 1523, at considerable risk, he succeeded in carrying off from the convent of Nimptschen, in Misnia, eight young virgins of noble birth, all of whom were subsequently married, and one of whom was Catharine von Bora.[3] The example was contagious. Before the month was out six nuns, all of

1 Edict. Norimb. Convent. ann. 1523 c. 10, 18, 19 (Goldast. II. 151).—This illustrates well the vacillating conduct of the Council of Regency during this period.

2 Fredericq, Corpus Documentt. Inquisitionis Neerlandicæ, IV. 406–99.

3 Chron. Torgaviæ—Spalatin. Annal. ann. 1523. He conveyed them at once to Wittenberg, and Luther writes to Spalatin asking him to collect funds for their support until they can be permanently provided for.

noble blood, left the abbey of Sormitz, and soon after eight escaped from that of Peutwitz, at Weissenfels.[1] Monks enfranchised themselves with still less trouble. At Nürnberg, in 1524, the Augustinians in a body threw off their cowls and proclaimed themselves citizens.[2]

Finally, Luther gave the last and most unquestionable proof of his adhesion to the practice of sacerdotal marriage by espousing Catharine von Bora, whom we have seen escaping, two years before, from the convent of Nimptschen. Scandal, it would seem, had been busy with the intimacy between the pious doctor and the fair renegade, who had spent nearly the whole period of her liberty at Wittenberg, and Luther, with the practical decision of character which distinguished him, suddenly resolved to put the most effectual stop to rumours which his enemies doubtless were delighted to circulate. On the evening of 13 June, 1525, without consulting his friends, he invited to supper Pomeranius, Lucas Cranach, and Apellus, and had the marriage ceremony performed.[3] It took his followers completely by surprise; many of them disapproved of it, and Justus Jonas, in communicating the fact to Spalatin, characterises it as a startling event, and evidently feels that his correspondent will require the most incontrovertible evidence of the fact, when he declares that he himself had been present and had seen the bridegroom in the marriage bed.[4] If the portraits after Lucas

[1] Spalatin. ubi sup.

[2] Spalatin. ann. 1524.

[3] Melanchthon to Camerarius (*ap.* Mayeri Dissert. de Cath. Lutheri conjuge. pp. 25–6).—Melanchthon can only suggest that it was a mysterious act of Providence. —"Isto enim sub negotio fortasse aliquid occulti et quiddam divinius subest, de quo nos curiose quærere non decet."—The whole letter is singularly apologetic in its tone.

[4] Spalatin. ann. 1525.

Pomeranius, a priest of Wittenberg, in writing to Spalatin, gives as the reason of Luther's marriage—"Maligna fama effecit ut Doct. Martinus insperato fieret conjunx"; and Luther, in a letter to the same, admits this even more distinctly—"Os obstruxi infamantibus me cum Catherina Borana." That his action was not generally approved by his friends is apparent from his asking Michael Stiefel to pray that

Cranach given in Mayer's Dissertation on Catharine be faithful likenesses, it was scarcely the beauty of his bride that led Luther to take this step, for her features seem rather African than European.[1]

When Luther had once decided for himself on the propriety of sacerdotal marriage, he was not likely to stop half-way. Some of the reformers were disposed to adopt

his new life may sanctify him—"Nam vehementer irritantur sapientes, etiam inter nostros."—Spalatin. ubi sup.

That surprise should have been aroused is singular, when he had already proclaimed the most extreme views in favour of matrimony. As early as 1522 he delivered his famous "Sermo de Matrimonio," in which he enjoins it in the strictest manner as a duty incumbent upon all. Thus, in considering the impediments to marriage, he treats of vows, concerning which he says: "Si votum admissum est, videndum tibi est, ut supra memoravi, num tribus eviratorum generibus comprehendaris, quæ conjugio ademit Deus, ubi te in aliquo istorum uno non repereris, votum rescindas, monasticen deseras oportet; moxque ad naturalem sociam adjungas te matrimonii lege."—P. I. c. 8 (Opp. Ed. Vuitemberg. V. 121). To this must be added his decided opinions on the subject of conjugal rights, as developed in the well-known passage which has excited so much animadversion, and which, if we are to interpret it literally, conveys a doctrine which sounds so strangely as the precept of a teacher of morality. In treating of the causes of divorce, he remarks: "Tertia ratio est, ubi alter alteri sese subduxerit, ut debitam benevolentiam persolvere nolit, aut habitare cum renuerit. Reperiuntur enim interdum adeo pertinaces uxores, qui etiam si decies in libidinem prolabentur mariti pro sua duritia non curarent. Hic oportunum est ut maritus dicat 'Si tu nolueris, alia volet.' Si domina nolit, advoniat ancilla, ita tamen ut antea iterum et tertio uxorem admoneat maritus, et eorum aliis ejus etiam pertinaciam detegat, ut publice et ante conspectum ecclesiæ, duritia ejus et agnoscatur et reprehendatur. Si tum renuat, repudia eam, et in vicem Vasti Ester surroga, Assueri regis exemplo" (Ibid. p. 123).

One conclusion at least can safely be drawn from this, that the morality of the age had impressed Luther with the belief that the self-restraint of chastity was impossible.

That the Catholics should make themselves merry over the marriage of the apostate monk and nun was to be expected, and Jerome Emser did not think it beneath him to write an epithalamium on the wedding of his former friend, of which the following may be taken as a specimen—

Ad Priapum Lampsacenum
Veneramur, et Silenum
Bacchumque cum Venere
cum jubilo.
Septa claustri dissipamus,
Sacra vasa compilamus
Sumptus unde suppetat
cum jubilo.
Mayeri Dissert. p. 22, 23.

[1] Mayeri de Cath. Luth. conjug. Dissert. 4to, Hamburgi, 1702. Cranach, as we have seen, was one of the three witnesses present at the marriage.

the principles of the early Church, and, while permitting married priests to officiate, denied to them the right to marry a second time or to espouse any but virgins, declaring all *digami* worthy of death and calling upon the people to drive them out. Against these Luther, in 1528, took up the cudgels vigorously, arguing the question in all its bearings, and arriving at the conclusion that only bigamists were to be shunned or deemed unworthy of holy orders.[1] Yet at the same time his thoroughly practical mind prevented him from losing sight of some of the evils inseparable from the revolution which he had wrought in an institution so deeply affecting daily life as monasticism. As late as 1543, in a letter to Spalatin, while congratulating him on the desire expressed by some nuns to leave their convent, he cautions them not to do so unless they have a certainty or at least a speedy prospect of marriage. He complains of the number of such cases in which he had been obliged to support the fugitives, and he concludes by declaring that old women who had no chance of finding husbands had much better remain in their cloisters.[2]

It is not difficult to explain why there was so ready and general an acquiescence in the abrogation of a rule established by the veneration of so many centuries. Not only had the doctrines of the reformers taken a deep and firm hold of the popular heart throughout Germany, destroying the reverence for tradition and antiquity, and releasing the human mind from the crushing obligation of blind obedience, but there were other motives, natural if not particularly creditable. The ecclesiastical foundations had long neglected the duties of charity, hospitality, and education, on which were grounded their claims to their broad lands and rich revenues. While, therefore, the

1 Lutheri Opp. (Jenæ, 1564) T. I. fol. 496–500.
2 Supplement Epistt. M. Lutheri No. 212 (Halæ, 1703).

temporal princes might be delighted with the opportunity of secularising and seizing the Church possessions, the people might reasonably hope that the increase of their rulers' wealth would alleviate their own burdens, as well as release them from the direct oppression which many of them suffered from the religious establishments. Even more potential was the disgust everywhere felt for the flagrant immorality of the priesthood. The dread experienced by every husband and father lest wife and daughter might at any moment fall victims to the lust of those who had every opportunity for the gratification of unholy passions led them to welcome the change, in the hope that it would result in restoring decency and virtue to a class which had long seemed to regard its sacred character as the shield and instrument of crime.

The moral character of the clergy, indeed, had not improved during the busy and eventful years which marked the first quarter of the sixteenth century. There is a curious little tract, printed in Cologne in 1505, with the approbation of the faculty, which is directed against concubinage in general, but particularly against that of the priests. Its laborious accumulation of authorities to prove that licentiousness is a sin is abundant evidence of the existing demoralisation, while the practices which it combats, of guilty ecclesiastics granting absolution to each other and mutually dispensing themselves from confession, show how easily the safeguards with which the Church had sought to surround her ministers were eluded.[1] The degradation of the priesthood, indeed, can readily be measured when, in the little town of Hof, in the Vogtland, three priests could be found defiling the sacredness of Ash Wednesday by fiercely fighting over a courtesan in a house

1 Avisamentum de Concubinariis non absolvendis, 4to, 1505.—The author devotes a long argument to prove that incontinence in a priest is worse than homicide. His conclusion is "Omnis sacerdos fornicando est sacrilegus et perjurus; et gravius totiens quotiens peccat quam si hominem occidat."

of ill-fame;[1] or when Leo X., in a feeble effort at reform, was obliged to argue that systematic licentiousness was not rendered excusable because its prevalence amounted to a custom, or because it was openly tolerated by those whose duty was to repress it.[2] In fact, a clause in the Concordat with Francis I. in 1516, renewing and enhancing the former punishments for public concubinage, would almost justify the presumption that the principal result of the rule of celibacy was to afford to the officials a regular revenue derived from the sale of licences to sin[3]—the old abuse, which rises before us in every age from the time of Damiani and Hildebrand, and which, since John XXII. had framed the tariff of absolutions for crime known as the "Taxes of the Penitentiary," had the authority of the papacy itself to justify it. In the oldest form in which this has reached us, issued by Benedict XII. in 1338, absolution and dispensation for a concubinary priest is rated at only four *gros tournois*, or less than half a florin, and the same price is named for the absolution of one who has been suspended for adultery. In a somewhat later tax-list, dispensation for the son of a priest to be admitted to orders and preferment is rated at twelve *gros*, but if he desired a bishopric, it cost thirty.[4] It is no wonder that

[1] Wideman. Chron. Curiæ ann. 1505.

[2] Neque superiorum tolerantia, seu prava consuetudo, quæ potius corruptela dicenda est, a multitudine peccantium, aliave quælibet excusatio eis aliquo modo suffragetur.—Concil. Lateran. V. ann. 1514 Sess. IX.

[3] Quia vero in quibusdam regionibus nonnulli jurisdictionem ecclesiasticam habentes, pecuniarios quæstos a concubinariis percipere non erubescunt, patientes eos in tali fœditate sordescere.—Concil. Lateran. V. ann. 1516 Sess. XI.—*Cf.* Cornel. Agripp. De Vanitate Scient. c. lxiv.—Agrippa even states that it was a common thing for bishops to sell to women whose husbands were absent the right to commit adultery without sin.

[4] P. Denifle, Die älteste Taxrolle der apost. Pönitentiarie (Archiv für Literatur- und-Kirchengeschichte, Bd. v. pp. 227, 230).—Tangl. Das Taxwesen der päpstlichen Kanzlei, Mittheilungen des Instituts für Oesterreichische Geschichtsforschung, Bd. XIII., pp. 96, 97.

These prices were simply for the letters; there were other fees which increased the cost considerably, and when sin had been committed there were pecuniary penances at the discretion of the papal penitentiaries.

reforming bishops and councils found their efforts baffled when the only result was to increase the revenues of the papal chancery by stimulating the demand for its interference.

That no concealment was thought necessary, and that sensual indulgence was not deemed derogatory in any way to the character of a Christian prelate, may be reasonably deduced from the panegyric of Gerard of Nimeguen on Philip of Burgundy, grand-uncle of Charles V., a learned and accomplished man, who filled the important see of Utrecht from 1517 to 1524. Gerard alludes to the amorous propensities and promiscuous intrigues of his patron without reserve, and as his book was dedicated to the Archduchess Margaret, sister of Charles V., it is evident that he did not feel his remarks to be defamatory. The good prelate, too, no doubt represented the convictions of a large portion of his class, when he was wont to smile at those who urged the propriety of celibacy, and to declare his belief in the impossibility of chastity among men who, like the clergy, were pampered with high living and tempted by indolence. Those who professed to keep their vows inviolate he denounced as hypocrites of the worst description, and he deemed them far worse than their brethren who sought to avoid unnecessary scandal by decently keeping their concubines at home.[1]

Even this reticence, however, was considered unnecessary by a large portion of the clergy. In 1512, the Bishop of Ratisbon issued a series of canons in which, after quoting the Basilian regulations, he adds that many of his ecclesiastics maintain their concubines so openly that it would appear as though they saw neither sin nor scandal in such conduct, and that their evil example was the efficient cause of corrupting the faithful.[2] In Switzerland the same abuses

1 Gerardi Noviomagi Philippus Burgundus (Mathæi Analect. I. 230).
2 Statut. Synod. Joan. Episc. Ratispon. ann. 1512 (Hartzheim VI. 86).

were quite as prevalent, if we may believe a memorial presented, in 1533, by the citizens of Lausanne, complaining of the conduct of their clergy. They rebuked the incontinence of the priests, whose numerous children were accustomed to earn a living by beggary in the streets, but the canons were the subjects of their especial objurgation. The dean of the chapter had defied an excommunication launched at him for buying a house near the church in which to keep his mistress; others of the canons had taken to themselves the wives of citizens and refused to give them up; but the quaintest grievance of which they had been guilty was the injury which their competition inflicted on the public brothel of the town.[1] What was the condition of clerical morality in Italy may be gathered from the stories of Bishop Bandello, who, as a Dominican and a prelate, may fairly be deemed to represent the tone of the thinking and educated classes of society. The cynical levity with which he narrates scandalous tales about monks and priests shows that in the public mind sacerdotal immorality was regarded almost as a matter of course.[2]

The powerful influence of all this on the progress of the Reformation was freely admitted by the authorities of the Church. When the legate Campeggio was sent to Germany to check the spread of heresy, in his reformatory edict issued at Ratisbon in 1524 he declared that the efforts of the Lutherans had no little justification in the detestable morals and lives of the clergy, and this is confirmed by his unsparing denunciation of their licentiousness, drunkenness, quarrels, and tavern-haunting; their traffic in absolution

[1] Art. 18e "Item. Mais, Nous nous plaignions d'aucuns chanoines qui nous gâtent nôtre bordeau de la ville, car il y en a qui le tiennent en leurs maisons, privément, pour tous venans."—Quoted from a contemporary MS. by Abraham Ruchat in his "Histoire de la Reformation de la Suisse," T. I. p. xxxiii.–v. (Genève, 1727.) According to Cornelius Agrippa, the Roman prelates derived a regular revenue from this source, the right to keep definite numbers of strumpets in the public brothels being partitioned out between them.—De Vanitate Scient. c. lxiv.

[2] See, for instance, Novelle, P. III. Nov. lvi.

for enormous offences; their unclerical habits and hideous blasphemy; their indulgence in incantations and dabbling in witchcraft.[1] Very significant is his declaration that the canonical punishments shall be inflicted on concubinary priests, in spite of all custom to the contrary or all connivance on the part of the prelates.[2]

How little, indeed, licentious ecclesiastics might reasonably dread the canonical punishments is illustrated in the report, by the celebrated jurisconsult Grillandus, of a case which came before him while he was auditor of the

[1] Reformat. Cleri German (Hartzheim VI. 198).—"Hanc perditissimam hæresin . . . non parvam habuisse occasionem, partim a perditis moribus et vita clericorum" etc.

There was no scruple in confessing this fact by those who spoke authoritatively for the Catholic Church, and it long continued to be alleged as the cause of the stubbornness of the heretics. Thus the Bishop of Constance, in the canons of his Synod of 1567—"Estote etiam memores, damnatam et detestandam cleri vitam huic malo in quo, proh dolor! versamur, majori ex parte ansam præbuisse . . . Omnes sapientes peritique viri unanimi sententia hoc asserunt, hocque efflagitant penitus, ut prius clerus ecclesiarumque ministri ac doctores a vitæ sordibus repurgentur, quam ulla cum adversariis nostris de doctrina concordia expectari queat." And then, after describing in the strongest terms the vices of the clergy and their unwillingness to reform, he adds, "Quæ sane morum turpitudo, vehementer et tantopere imperiti populi animos offendit ut subinde magis magisque a catholica nostra religione alienior efficiatur, atque sacerdotium una cum sacerdotibus doctrinam juxta atque doctores, execretur, dirisque devoveat: ita ut protinus ad quamvis sectam deficere potius paratus sit quam quod ad ecclesiam redire velit."—Synod. Constant. ann. 1567 (Hartzheim VII. 455).

Pius V. himself did not hesitate to adopt the same view. In an epistle addressed to the abbots and priors of the diocese of Freysingen, in 1567, he says—"Cum nobiscum ipsi cogitamus quæ res materiam præbuerit tot tantisque pestiferis hæresibus . . . tanti mali causam præcipue fuisse judicamus corruptos prælatorum mores, qui . . . eandemque vivendi licentiam iis, quibus præerant permittentes et exemplo eos suo corrumpentes, maximum apud laicos odium contemptionem et invidiam non immerito contraxerunt" (Hartzheim VII. 586).

[2] Reformat. Cleri German. cap. xv.—So when, in 1521, Conrad, Bishop of Wurzburg, issued a mandate for the reformation of his clergy, he described them as for the most part abandoned to gluttony, drunkenness, gambling, quarrelling, and lust. —Mandat. pro Reformat. Cleri. (Gropp, Script. Rer. Wirceburg. I. 269). —In 1505 the Bishop of Bamberg, in complaining of his clergy, shows us how little respect was habitually paid to the incessant repetition of the canons.—"Condolenter referimus vitam et honestatem clericalem adeo apud quamplures nostrarum civitatis et dioceseos clericos esse obumbratam ut vix inter clericos et laycos discrimen habeatur: et ipsa statuta nostra synodalia in ipsorum clericorum cordibus obliterata et a pluribus non visa aut perlecta vilipendantur: nullam propter nostram, quam hactenus pii pastoris more tolleravimus patientiam, capientes emendationem."—(Hartzheim VI. 66.)

Papal Vicar in Rome. A Spanish priest and doctor of canon law, residing in the Christian capital, became enamoured of several young nuns at once, and endeavoured to seduce them by teaching them that, as they and he were alike spouses of Christ, carnal affection between them was their duty. Failing in this, he sought to compel the assistance of God in his designs, and, being a man of literary culture, he composed a number of prayers of singular obscenity, and bribed various ignorant priests to recite them amid the ineffable mysteries of the Mass, hoping thus to obtain the aid of Heaven in overcoming the chastity of his intended victims. At length he chanced to offer one of these prayers to a priest of somewhat better character, who was sufficiently shocked by it to communicate with the authorities. Brought before Grillandus, the guilty Spaniard sought to justify himself by alleging various Scriptural texts, but upon being warned that such a defence would subject him to a prosecution for heresy, he recanted and acknowledged his errors. For this complicated mingling of lust and sacrilege his only punishment was a short banishment from Rome.[1] When the papal court set such an example, what was to be expected of less enlightened regions?

How keenly these evils were felt by the people, and how instinctively they were referred to the rule of celibacy as to their proper origin, is shown by an incidental allusion in the formula of complaint laid before the Pope by the Imperial Diet held at Nürnberg early in 1522, before the heresy of priestly marriage had spread beyond the vicinity of Wittenberg. The diet, in recounting the evils arising from the ecclesiastical jurisdiction which allowed clerical offenders to enjoy virtual immunity, adduced, among other grievances, the licence afforded to those who, debarred by the canons from marriage, abandoned themselves night

1 Grillandi Tract, de Sortilegiis Quæst. xvii. No. 1.

and day to attempts upon the virtue of the wives and daughters of the laity, sometimes gaining their ends by flattery and presents, and sometimes taking advantage of the opportunities offered by the confessional. It was not uncommon, indeed, for women to be openly carried off by their priests, while their husbands and fathers were threatened with vengeance if they should attempt to recover them. As regards the sale to ecclesiastics of licences to indulge in habitual lust, the diet declared it to be a regular and settled matter, reduced to the form of an annual tax, which in most dioceses was exacted of all the clergy without exception, so that when those who perchance lived chastely demurred at the payment, they were told that the bishop must have the money, and that after it was handed over they might take their choice whether to keep concubines or not.[1] In the face of this condition of ecclesiastical morality, it required some obtuseness for Adrian VI. to compare Luther to Mahomet, the one seeking to attract to his party the carnal-minded by permitting marriage, even as the other had established polygamy,[2] and, further, to abuse him for uniting the ministers of Christ with the vilest harlots.[3]

Among the diverse opinions of existing evils and their remedy, it is interesting to see what was the view of the subject taken by those ecclesiastics whose purity of life removed them from all temptation to indulgence, and who

1 Gravamin. Ordin. Imperii cap. xxi., lvii., lxx. (Goldast. I. 464.)

When such complaints were made by the highest authority in the empire, it is not difficult to understand the reasons which led the senate of Nürnberg—which city had not yet embraced the Reformation—to deprive, in 1524, the Dominicans and Franciscans of the superintendence and visitation of the nuns of St. Catharine and St. Clare; nor do we need Spalatin's malicious suggestion—"cura et visitatione, pene dixeram corruptione."—Spalatin. Annal. ann. 1524.

2 Adriani PP. VI. Instructio data Fr. Cheregato, Nov. 25, 1522 (Le Plat, Monument. Concil. Trident. II. 145).

3 Adriani PP. VI. Brev ad Frid. Saxon. (Lutheri Opp. T. II. fol. 542b.—Le Plat, II. 134.)

yet were not personally interested in upholding the gigantic but decaying structure of sacerdotalism. Of these men Erasmus may be taken as the representative. His opinion on all the questions of the day was too eagerly desired for him to escape the necessity of pronouncing his verdict on the innovation portended by the one or two marriages which took place near Wittenberg in 1521, and accordingly, in 1522, from his retreat in Basle he issued a short dissertation on the subject, which, although addressed merely to Bishop Christopher of that city, was evidently intended for a European audience. In this essay, after sketching the rise of celibacy and attributing it to the purity and fervour of the early Christians, he proceeds to depict the altered condition of the Church. Among the innumerable multitude of priests who crowd the monasteries, the chapters, and the parishes, he declares that there are few indeed whose lives are pure, even as respects open and avowed concubinage, without penetrating into the mysteries of secret intrigue. As, therefore, there is no Scriptural injunction of celibacy, he concludes that, however desirable it might be to have ministers free from the cares of marriage and devoting themselves solely to the service of God, yet, since it seems impossible to conquer the rebellious flesh, it would be better to allow those who cannot control themselves to have wives with whom they could live in virtuous peace, bringing up their children in the fear of God, and earning the respect of their flocks. No more startling evidence, indeed, of the demoralisation of the period could be given than the cautious fear which Erasmus expresses lest such a change should be opposed by the episcopal officials, who would object to the diminution of their unhallowed gains levied on the concubines of the clergy.[1]

[1] Erasmi Lib. XXXI. Epist. 43.

Notwithstanding the sarcasm, popularly attributed to Erasmus, on the occasion of Luther's union with Catharine von Bora—that the Reformation had turned out to

When such was the condition of ecclesiastical morality, and such were the opinions of all except those directly interested in upholding the old order of things, it is no wonder if the people were disposed to look with favour on the marriage of their pastors, and if the rejection of celibacy gave a fresh impetus to the cause of Lutheranism. In the early days of all sects, it is only those of ardent faith and pure zeal who are likely to embrace a new belief, with all the attendant risks of persecution and contumely. The laxity of life allowed to the Catholic clergy would attract to its ranks and retain those whose aim was sensual indulgence. Thus necessarily the reformers who married would present for contrast regular and chaste lives and well-ordered households, purified by the dread of the ever-impending troubles to which the accident of a day might at any time expose them. The comparison thus was in every way favourable to the new ideas, and they flourished accordingly.

Nor, perhaps, were the worldly inducements to which I have before alluded less powerful in their own way in advancing the cause. Shortly before Luther's marriage, whatever influence was derivable from an aristocratie example was obtained when the Baron of Heydeck, a knight of the Teutonic Order, renounced his vows and publicly espoused a nun of Ligny.[1] This may possibly

be a comedy, seeing that it resulted in a marriage—he continued to raise his voice in favour of abolishing the rule of celibacy. Thus he writes, in October 1525, "Vehementer laudo cœlibatum, sed ut nunc habet sacerdotum ac monachorum vita, præsertim apud Germanos, prætaret indulgeri remedium matrimonii" (Lib. XVIII. Epist. 9). And again, in 1526, "Ego nec sacerdotibus permitto conjugium, nec monachis relaxo vota, ne id fiat ex auctoritate Pontificum, ad ædificationem ecclesiæ non ad destructionem. . . . In primis optandum esset sacerdotes et monachos castitatem ac cœlestem vitam amplecti. Nunc rebus adeo contaminatis, fortasse levius malum erat eligendum" (Lib. XVIII. Epist. 4).

Yet, in his "Liber de Amabili Ecclesiæ Concordia," written in 1533 in the hope of reuniting the severed Church, while awaiting the promised general council which was to reconcile all things, Erasmus did not hesitate to give utterance to the opinion that those who fell away in heresy or even schism were worse than those who lived impurely in the true faith.

1 Spalatin. Annal. ann. 1525.

have encouraged his superior, Albert of Brandenburg, Grand Master of the Order, to execute his remarkably successful coup d'état, in changing his religion and seizing the estates of the order, thus practically founding the state which chance and talent have exalted until it has been able to realise the dream of a united Germany. The liberty of marriage which he thus assumed was soon turned to account in his advantageous alliance with Frederic, King of Denmark, whose daughter Dorothea he espoused, the Bishop of Szamland officiating as his proxy, and the actual marriage being celebrated 14 June, 1526.[1]

Luther may reasonably be held excusable for counselling and aiding a transaction which lent such incalculable strength to the struggling cause of the Reformation, and it is not to be wondered at if he endeavoured to follow it up with another of a similar character. The nephew of the Duke of Prussia, also named Albert of Brandenburg, occupied the highest place in the Teutonic hierarchy, as Archbishop both of Mainz and Magdeburg, in the latter of which powerful sees the Lutheran heresies had taken deep root. Luther sought to induce the archbishop to follow his uncle's example; to take possession in his own right of the Magdeburg territories, and to transmit them to the posterity with which Heaven could not fail to bless his prospective marriage—a scheme which met the warm approbation of the leading nobles of the diocese. Albert thought seriously of the project, especially as the Peasants' War then raging was directed particularly against the lands of the Church, but he finally abandoned it, and his flock had to work out their reformation without his assistance.[2]

Perhaps some plans of territorial aggrandisement may

[1] Spalatin. Annal.. ann. 1526.

[2] Henke Append. ad Calixt. p. 595.—Serrarii Rerum Mogunt. Lib. v. (Script. Rer. Mogunt. I. 831, 839). As Albert, though Primate of Germany, was only thirty-five or six years of age, the proposition was not an unreasonable one.

have stimulated the zeal of the Count of Embden, who boasted that he had assisted and encouraged the marriage of no fewer than five hundred monks and nuns ;[1] yet the process of secularising the monastic foundations was in many places by no means sudden or violent. Thus, when the Abbot of Ilgenthal in Saxony died in 1526, the Elector John simply forbade the election of a successor, and placed the abbey in charge of a prefect, while the remaining monks were liberally supplied until they one after another died out ;[2] and in 1529, when Philip, Count of Waldeck, took possession of the ancient monastery of Hainscheidt, he caused all the monks to be supported during life.[3]

Through all this period the hope had never been abandoned of such an arrangement as would prevent an irrevocable separation in the Church. Moderate and temperate men on both sides were ready to make such concessions of form as would enable Christendom to remain united, as the great vital truths on which all were agreed so far outweighed the points of divergence. Whether these hopes were well or ill founded was to be determined at the Diet of Augsburg, to which, in June 1530, both parties were summoned for the purpose of submitting their differences to the Emperor. Charles came to Germany in the full flush of his recent extraordinary triumphs, the most powerful prince since the days of Charlemagne. Europe was at length at peace, even the Turk only looming in the East as a probable, not as an existing, enemy. But Charles, newly crowned at Bologna, came ostensibly as the steadfast ally of the Pope, and Clement VII. had not the slightest intention of renouncing the traditional and imprescriptible rights of the Holy See. The Catholic princes of Germany, too, had their grounds

1 Spalatin. Annal. ann. 1526.
2 Thammii Chron. Coldicens.
3 Chron. Waldeccense (Hahnii Collect. Monument. I. 851).

of private quarrel with their Protestant peers, and, holding an unquestioned majority, were not disposed to abandon their position. The Protestant princes, on the other hand, were firm in their new-found faith, and, however disposed to avert the threatened storm by the sacrifice of non-essentials, their convictions were too strong for them to retrace the steps which they had taken during so many long and weary years. It is evident that, with such materials on either side, no reunion was probable; and, even had an accommodation on points of doctrine been possible, there was one subject which scarcely seemed to admit of satisfactory compromise. In the states of the reform the downfall of monachism had placed in the hands of the temporal powers large bodies of sequestrated abbey lands. To the Catholic it was sacrilege to leave these in the hands of the spoiler; the Protestant would not willingly give up the spoil.

The contest was opened by the Protestants submitting a statement of their belief, divided into two parts, the one devoted to points of faith, the other to matters of practice. Prepared principally by Melanchthon, it presents their tenets in the mildest and least objectionable form, and becoming the recognised standard of their creed, it has attained a world-wide renown under the name of the Confession of Augsburg. The questions of celibacy and monastic vows were ably and temperately argued; their post-scriptural origin was shown, and the reasons which induced the reformers to reject them were placed in a light as little offensive as possible.[1] At first a counter-statement was anticipated from the Catholics, and negotiations were expected to be carried on by a comparison of the two, but they took higher ground, and contented themselves with

[1] Confess. Augustanæ P. II. Art. ii., vi.

In his Apology for the Augsburg Confession, however, even the coldness of Melanchthon is warmed in describing the hideous licentiousness caused by the law of celibacy (Lutheri Opp. T. IV. p. 252–3).

drawing up a refutation of the Confession. The Emperor was firm. His aspirations for the universal monarchy, which ever eluded his grasp, did not comport with encouraging independence of thought and freedom of religious belief. In his theory, uniformity of religion was a necessary element of the political system which was to make him sovereign of Europe, and he would listen to no compromise. He was inclined to summary measures, but the Catholic princes were hardly prepared for the consequences of an immediate rupture, and, after a threatening interval, another effort was made to effect a reconciliation. Conferences between the leading theologians on both sides took place, and the Lutherans, warned of their danger, were more disposed than ever to make concessions and to accept such terms as the stronger party were willing to offer them. At length, on the 8th of September, the draft of a proposed plan of accord was laid before the Diet. In this the points in dispute were referred to that future Œcumenic council which had so long been demanded as the panacea for all ecclesiastical ills, and which, after more than thirty years of continued expectation, was destined to fail so miserably in reconciling difficulties. Such monasteries as had not been destroyed were to be maintained in the exercise of the customary rites and observances of religion. Abbots and communities who had been ejected were to be allowed to return ; and all religious houses which had been emptied of their occupants were to be placed in the hands of officers appointed by the Emperor, who were to administer their possessions until the future council should decide upon all the points relating to monachism ; the Protestants thus relieving themselves of the accusation that they were actuated by motives of worldly gain. Similar proposals were made with regard to communion in the two elements and clerical marriage. These were left as open questions for the council to settle, while a phrase

of doubtful import subjected them in the meantime to the governments of the several states.[1] The concessions in this project, however, though they might suit the views of the temperate doctors and princes in Germany, and though even the Roman Curia might be willing to grant them in order to save its threatened temporal power over the Teutonic states, did not suit the policy of Charles, who regarded the Church as simply one of the instruments with which he was to build up his universal empire.[2] It was not difficult for him, therefore, to bring to naught all such schemes of conciliation. The restoration of all abbots and monks was ordered; restitution of Church lands was commanded, or their delivery to the Emperor, to be held until the assembling of the future council; and when the Diet adjourned, Charles issued a decree enjoining on all married priests to abstain from their wives, to eject them, and to seek absolution from their ordinaries.[3]

The threatening aspect of affairs warned the Protestant princes that no time was to be lost in making provision for mutual defence, and ere the year was out the famous League of Schmalkalden enabled them to present a united front to the powers which they had virtually defied. Into the political history of that eventful time it is not my province to enter. Suffice it to say that they were able to maintain their position, and in their own states to oppose the reactionary movement which at times seemed to be on the point of destroying all that had been accomplished.

In this their task was complicated by the extravagances of those whose enthusiasm, unbalanced by reason, carried them beyond restraint. If Luther had found it no easy task to break the chains which for so many ages had kept

1 Deliberat. de Concordia etc. c. iii., v. (Goldast I. 509).

2 See Letter of Bergenroth to Romilly, from Simancas, June 14, 1863 (Cartwright's Memoir of Bergenroth, London, 1870, p. 124).

3 Sentent. Caroli V. § 5 (Ibid. I. 510).—Rescript. Caroli V. § 5 (Ibid. III. 512). Henke, Append. ad Calixt. pp. 595–6.

in check the spirit of free inquiry, he discovered that it was impossible to control that spirit once let loose; and the wild excesses of Anabaptism were at once the exaggeration and the opprobrium of Lutheranism. Originally earnest and self-denying, the primitive Anabaptists had captivated the fiery soul of Carlostadt, while Luther was in his Patmos of Wartburg. The ensuing development was in some sort a resuscitation of the Brethren of the Free Spirit, remnants of whom doubtless existed in many hidden quarters. The inner light was the guide which every man should follow, and this was to result in the Kingdom of God, wherein all should be equal and live in brotherly affection, without subjection to government of any kind. These alluring dreams spread through the populations with amazing rapidity, calling forth the severest repression by the authorities, who recognised in them the danger not only to religion, but to the whole social organisation. The sectaries manifested the sincerity of their convictions by the steadfast cheerfulness with which they endured imprisonment, torture, and the stake; but this ardent fanaticism also found expression in lawless licentiousness among those who mistook the impulses of the flesh for the dictates of the spirit. There is doubtless much exaggeration in the description of the *igneum baptisma* by which in Munster John Mathison encouraged promiscuous licence among the elect, but the history of mystic ardour furnishes too many examples of such aberrations for us to question the probability of their occurrence among such an assemblage of disordered and disorderly minds.[1]

Luther, moreover, was quite as resolute in setting limits to his movement as Rome had been in forbidding all progress, and the Anabaptists were to him enemies as detestable as Catholics. The Protestant princes, more-

[1] Kerssenbroch Bell. Anabaptist. cap. 15, 31.—Janssen, Geschichte der Deutschen Volkes. III., 99 sqq. (Ed. 1887.)

over, had too much worldly wisdom to imperil their dangerous career by any alliance with fanatics whose extravagances provoked opposition so general. The cause of the Reformation, therefore, although it suffered no little from so portentous an illustration of the dangers resulting from the destruction of the ancient barriers, escaped all contamination in itself, and its leaders pursued their course undeviatingly.

Meanwhile the League of Schmalkalden accomplished its purpose. Henry VIII. and Francis I. were eager to seize the opportunity of encouraging dissension in the empire. The Turk became more menacing than ever. Charles, always ready to yield for a time when opposition was impolitic, gracefully abandoned the position assumed at Augsburg; and the negotiations of Schweinfurth and Nürnberg resulted in the decree of the Diet of Ratisbon in 1532, by which, until the assembling of the future council, all religious disturbances were prohibited, and the imperial chamber was commanded to undertake no prosecutions on account of heresy. Toleration was thus practically established for the moment, but the abbots and monks who had been ejected, and who had been anticipating their restoration, became naturally restive. Charles cunningly sent from Italy full powers to the chamber to decide as to what causes arose from religious disputes, and what were simply civil or criminal. Thus entrusted with the interpretation of the Ratisbon decree, the chamber assumed that claims on Church lands were not included in the forbidden class, while old edicts prohibiting the observances of Lutheranism brought all religious questions within the scope of criminal law. The promised toleration was thus practically denied, but, fortunately for the Protestants, Ferdinand was anxiously negotiating for their recognition of his dignity as King of the Romans, and by the Transaction of Cadam

in 1533 he purchased the coveted homage by accepting their construction of the edict of Ratisbon.

Still the Protestants complained of persecution and the Catholics of proselytism. The ensuing fifteen years were filled with a series of bootless negotiations, pretended settlements, quarrels, recriminations, and mutual encroachments, which year after year occupied the successive Diets, and kept Germany constantly trembling on the verge of a desolating civil war. It would be useless to disturb the dust that covers these forgotten transactions, which can teach us nothing save that the Protestants still refused to recognise that the schism was past human power to heal; that Rome, recovering from her temporary hesitation, would not abate one jot of her pretensions to save her supremacy over half of Christendom;[1] and that Charles, as a wily politician, was always ready in adversity to abandon with a good grace that which he had arrogantly seized in prosperity.[2] How eager, indeed, were the Protestants to effect some compromise which should relieve them from their exceptional position is strikingly manifest in the Articles which Melanchthon and his friends in 1535 submitted to Francis I., after the Sorbonne had refused to enter into a disputation or conference with them. In this document all non-essentials were abandoned; doctrinal dissidences were skilfully evaded, and stress only was laid upon such regulations as should remove the external corruption of the Church.

[1] How little the situation was comprehended is amusingly shown in a letter from an enlightened and liberal prelate, Johann Schmidt, Bishop of Vienna, to Ferdinand, in 1540, concerning some proposed negotiations then on foot for a reconciliation between the Churches. He lays down as a condition precedent to reunion that all the Church lands confiscated by the Protestants shall be restored, and the monastic orders re-established. The mesne profits, he admits, cannot be collected, but some composition for them should be made.—Le Plat, Monument. Concil. Trident. II. 649.

[2] An elaborate series of documents relating to these transactions may be found in Goldast. Constit. Imp. I. 511, III. 172–235. Also in Le Plat, Monument. Concil. Trident. Vol. II.

Melanchthon proposed that the monastic orders should be continued, but that the vows should not be perpetual, so that religion might not be disgraced by the excesses of those who had mistaken their vocation. So, as regards priestly celibacy, he proposed that, as human nature rendered it impossible to supply the multitude of parishes with men able to live in continence, those who could not preserve their purity should be allowed to marry; while, to prevent the dilapidation of Church property, the higher positions should be reserved to men of mature age who could lead a single life.[1] The Sorbonne, in reply, condescended to no argument, but contented itself with asserting that the Protestants desired the subversion of all religion, while, on the other hand, Melanchthon had the satisfaction of being proclaimed a traitor by the Germans.

In all this the only point which possesses special interest for us is another authoritative attempt at reconciling the irreconcilable which occurred in 1540 and 1541. It was suggested that all parties should unite on the basis of sacerdotal marriage, the use of the cup by the laity, and the rejection of the authority of the Holy See. Matters reached such a point that the legate Morone reported, in July 1540, that he was ready to run away in despair; the three great ecclesiastical electors and all the episcopate except the Bishop of Trent, and the princes except the Dukes of Bavaria and Brunswick, were in favour of it, while France would undoubtedly follow the example, while he distrusted the assurances of Charles and King Ferdinand that they would not abandon the papacy.[2] If Charles had only had Germany in view, he might well have been tempted to follow in the footsteps of Henry VIII., and found an independent Church under

1 Artic. Melanch. ad Regem Franciæ, No. x., xi. (Le Plat, op. cit. II. 785–7.)

2 Dittrich, Nunciaturberichte Giovanni Morones, pp. 73, 76–9.—Lämmer, Monumenta Vaticana, Sæculi XVI. pp. 288–9.

his supremacy, but his interests in Spain and Italy bound him to the papacy, and he was sincere in his pledges to Morone. He was anxious, however, to put an end to the religious strife, and after a conference between Melanchthon and Dr. Eck at Worms, Charles himself presented to the Diet of Ratisbon in 1541 a statement of the questions in dispute, with propositions for mutual concession and compromise. In the course of this he reviewed the practice of the Church in various ages with regard to sacerdotal celibacy, admitting that the enforcement of it was not in accordance with the ancient canons, and indicating a willingness to see it abrogated.[1] The Protestants, who were ready to make many sacrifices for peace, hailed this intimation with triumph, stoutly insisting on the repeal of the obnoxious rule, which they stigmatised as unjust and pernicious.[2] So nearly did the parties at length approach each other, that there appeared every reason to anticipate a successful result to the effort, when Paul III. interfered and pronounced all the proceedings null and void, as the Church alone had power to regulate its internal affairs. The expectations excited by these negotiations naturally stimulated the desire of the people for a change in the discipline of the Church, and the next year we find Paul III. obliged to exhort the Bishop of Merseberg, under threats of ejection, to resist the clamours of his subjects, who demanded the abrogation of priestly celibacy and the use of the cup for the laity. The Council of Trent, he said, had been called to consider these matters, and immediate change was especially inadmissible.[3]

[1] Lib. ad Rationem Concord. ineundam Art. XXII. § 13 (Goldast. II. 199).

[2] Respons. Protestant. Art. X. § 3 (Ibid. II. 206). This was still more strongly insisted on in a paper subsequently drawn up by Bucer and presented in the name of the Protestants.—Respons. Protestant. c. 11–14 (Ibid. p. 213).

[3] Le Plat, Monument. Concil. Trident. III. 152–3.

Pope Paul III. was created Cardinal by Pope Alexander VI. His name was Alexander Farnese, and, owing to his dissipated habits and to the fact that his pro-

Charles had long recognised that the perpetual menace of a powerful confederation such as the Schmalkaldic League, entertaining constant relations with the external enemies of the empire, was incompatible with the peace of Germany and with an imperial power such as he was resolved to wield. The time at last came for the development of his plans. The skill of Alva and the treachery of Maurice of Saxony were crowned with success. The battle of Muhlberg broke the power of the Protestants utterly, and laid them helpless at his feet. Yet the progress of the new ideas had already placed them beyond the control of even the triumphant Charles, though he had the Elector of Saxony and the Landgrave of Hesse in his dungeons. When, at the Diet of Augsburg in 1548, he proposed the curious arrangement known as the *Interim*, by which he hoped to keep matters quiet until the final verdict of that Œcumenic council which constantly vanished in the distance, he felt it necessary to permit all married priests to retain their wives until the question should be decided by the future council. A faint expression of a preference for celibacy, moreover, was significant both in what it said and what it left unsaid.[1]

The Interim, of course, satisfied neither party. The

motion was obtained for him by his sister Giulia Orsini (*neé* Farnese), one of Pope Alexander's mistresses, he was known as "the Cardinal of the Petticoat"—*Cardinale della Gonella*. A son of Paul III., Pietro Ludovico Farnese, born 1490, became Duke of Parma. He was assassinated in 1547. One of his sons, born 1520, was named Alexander, and was created a Cardinal by his grandfather, Paul III.

[1] Et quanquam cum Apostolo sentiendum eum qui cœlebs est curare quæ sunt Domini, etc. (I. Cor. vii.) eoque magis optandum multos inveniri clericos qui cum cœlibes sint vere etiam contineant, tamen quum multi qui ministerii ecclesiastici functiones tenent, jam multis in locis duxerint uxores, quas a se dimittere nolint; super ea re generalis concilii sententia expectetur, cum alioqui mutatio in ea re, ut nunc sunt tempora, sine gravi rerum perturbatione nunc fieri non possit.—Interim cap. XXVI. § 17.

Charles must have entertained the expectation that a change would be authorised by the Council of Trent, or prudence would have dictated the policy of not leaving the matter open with the consciousness that the difficulty could only become daily greater by tolerance.

Catholics regarded it as an unauthorised reformation, the Protestants as disguised Popery. Charles, however, in the plenitude of his power, obliged many of the Lutheran states to accept it; while, as regards the Catholics, he was perhaps not sorry to show the Pope that he too, like Henry VIII., could regulate the consciences of his subjects and prescribe their religious faith. He had broken with Paul III.; the Council of Trent, against his wishes, had been removed to Bologna on a frivolous pretext; and a schism like that of England was apparently again impending. At the least, Charles might not unreasonably desire to manifest that at last he was independent of that papal power with which mutual necessities had so long enforced the closest relations, and to prove that deference to his wishes was henceforth to be the price of his all-important support. He demanded that legates should be sent to Germany armed with extraordinary powers, among which was included authority to grant dispensations to married priests. Paul III. referred the request to the Sacred College, and to the council then sitting at Bologna, and it was unanimously replied that it should be granted, with the limitation that monks should not be included, and that priests thus permitted to retain their wives should not exercise their functions or enjoy the fruits of their benefices.[1] That Paul forthwith despatched three nuncios entrusted with authority to do this shows not only the disposition which then existed to relax the rigour of the canons respecting celibacy, but also the importance which the question had assumed in the religious disputes of the time,[2]

[1] Le Plat, Monument. Concil. Trident. IV. 19–25.

[2] Pallavicin, Storia del Concilio di Trento, Lib. XII. c. 8. Zaccaria (Nuova Giustificaz. pp. 145, 266), while admitting the fact, states that the original of this document has been sought for in vain, though it had long before been published by Dom Martene (Ampliss. Collect. VIII. 1203). In appointing, however, Jodocus, Bishop of Lubec, as a substitute to exercise their powers, the legates require that priests thus restored shall abandon their wives—a condition not expressed in the original bull (Ibid. p. 1211).

Both from this and from the language of the Interim it appears that even the

though an absolute refusal was soon afterwards returned to the request of a German prince (supposed to be the Duke of Bavaria) requesting for his subjects the use of the cup, priestly marriage, and the relaxation of the obligation of fasting.[1]

Temporary expedients and compromises such as these are interesting merely as they mark the progress of opinion. Paltry makeshifts to elude the decision of that which had to be decided, they exercised little real influence on the history of the time. It is true that when Charles, in 1551, at the Diet of Augsburg, issued a call for the reassembling of the Council of Trent, he confirmed the Interim until that council should decide all unsettled questions,[2] yet this confirmation was destined to be effective for a period ludicrously brief. A fresh treason of Maurice of Saxony undid all that his former plotting had accomplished; and, while Henry II. was winning at the expense of the empire the delusive title of Conqueror, Charles found himself reduced to the hard necessity of restoring all that his crooked policy had for so many years been devoted to extorting. The Transaction of Passau, signed August 2, 1552, gave full liberty of conscience to the Lutheran states, until a national council or diet should devise means of restoring the unity of the Church; and in case such means could not be agreed upon, then the rights guaranteed by the Transaction were granted in perpetuity.[3] If Charles was disposed to withdraw the concessions thus exacted of him, the miserable siege of Metz and the increasing desire for abdication prevented him from

Catholic priesthood had begun to arrogate for themselves the right of marriage. That such was the case to a great extent will be seen hereafter.

It indicates the tendencies of the period that, in his instructions to his three nuncios, the Bishops of Fano, Verona, and Ferentino, Paul's chief solicitude was to warn them against allowing the dispensations to be sold, which would, he said create scandal.—Lämmer, Monumenta Vaticana, Sæculi XVI. p. 395.

1 Le Plat, T. IV. p. 27.

2 Recess. ann. 1551 c. 10 (Goldast. II. 341).

3 Transac. Pataviens. Artic. de Relig. (Ibid. I. 573.)

attempting it; and, at the Diet of Augsburg, in 1555, the states and cities of the Augsburg Confession were confirmed in their right to enjoy the practices of their religion in peace.[1]

The long struggle thus was over. The public law of Germany at last recognised the legality of the transactions based upon the Reformation, and not the least in importance among those transactions were the marriages of the ministers of Christ.

[1] Transac. Pataviens. Artic. de Relig. (Goldast. I. 574.

CHAPTER XXVI

THE ENGLISH CHURCH

The abrogation of celibacy in England was a process of far more perplexity and intricacy than in any other country which adopted the Reformation. Perhaps this may be partially explained by the temperament of the race, whose spirit of independence made them quick to feel and impatient to suffer the manifold evils of the sacerdotal system, while their reverential conservatism rendered them less disposed to adopt a radical cure than their Continental neighbours.

In no country of Europe had the pretensions of the papal power been more resolutely set aside. In no country had ecclesiastical abuses been more earnestly attacked or more persistently held up for popular odium, and the applause which greeted all who boldly denounced the shortcomings of priest and prelate shows how keenly the people felt the evils to which they were exposed. William Langlande, the monk of Malvern, was no heretic, yet he was unsparing in his reprobation of the corruptions of the Church :

"Right so out of holi chirche,
Alle yveles springeth,
There inparfit preesthode is,
Prechours and techeris

. . . . .

And prechours after silver,
Executours and sodenes,
Somonours and hir lemmannes ;
That that with gile was geten,
Ungraciousliche is despended ;
So harlotes and hores
Arn holpe with swiche goodes,

And Goddes folk, for defaute thereof,
For-faren and spillen." [1]

And he boldly prophesied the violent downfall of the whole fabric:

"Right so, ye clerkes,
For youre coveitise, er longe,
Shal thei demen *dos ecclesiæ*,
And youre pride depose.
Deposuit potentes de sede, etc.
. . . . .
Leveth it wel ye bisshopes
The lordshipe of your londes
For evere shul ye lese,
And lyven as *levitici*," etc. [2]

But while the people greeted these assaults with the keenest pleasure, they were attached to the old observances, and were in no haste to see the predictions of the poet fulfilled. A little sharp persecution was sufficient to suppress all outward show of Lollardry, and there was no chance in England for the fierce revolutionary enthusiasm of the Taborites.

As the sixteenth century opened, John Colet did good work in disturbing the stagnation of the schools by his contempt for the petrified theological science of the schoolmen. His endeavour to revert to the Scriptures as the sole source of religious belief was a step in advance, while he was unsparing in his denunciations of the corruptions which were as rife in the English Church as we have seen them elsewhere. Yet Colet, though at one time taxed with heretical leanings, kept carefully within the pale of orthodoxy, and seems never to have entertained the idea that the evils which he deplored were to be attacked save by a renewal of the fruitless iteration of obsolete canons.[3] Perhaps, however, his friend and

[1] Vision of Piers Ploughman, Wright's ed., pp. 300, 303.

[2] Ibid. p. 325.—According to David Buchanan, Langlande was also author of a tract, "Pro conjugio sacerdotum."—(Ibid. Introduction, p. x.)

[3] In a sermon before the Convocation of 1512, Colet is very severe upon the vices of the Church—"We are troubled in these days by heretics—men mad with strange

disciple, Sir Thomas More, is the best example of this frame of mind in England's worthiest men, the besetting weakness of which made the English Reformation a struggle whose vicissitudes can scarce be said to have even yet reached their final development.

Before Luther had raised the standard of revolt, More keenly appreciated the derelictions of the Church, and allowed his wit to satirise its vices with a freedom which showed the scantiest respect for the sanctity claimed by its hierarchy.[1] Yet when Luther came with his heresies to sweep away all abuses, More's gentle and tender spirit was roused to a vulgarity of vituperation which earned for him a distinguished place among the foul-mouthed polemics of the time, and which is absolutely unfit for translation.[2] As regards ascetic observances, before the

folly—but this heresy of theirs is not so pestilential and pernicious to us and the people as the vicious and depraved lives of the clergy"—and he urges the prelates to revive the ancient canons, the enforcement of which would purify the Church. (See-bohm's Oxford Reformers of 1498, p. 170. London, 1867.)

The title of this work seems to me a misnomer. Neither Colet nor Erasmus had the aggressive spirit of martyrdom which was essential to the character of a reformer in those fierce times. They could deplore existing evils, but lacked all practical boldness in applying remedies, and their influence is only to be traced in the minds which they unwittingly trained to do work from which they themselves shrank.

1 Thus in his Epigrams he ridicules the bishops as a class:

"Tam male cantasti possis ut episcopus esse,
Tam bene legisti, ut non tamen esse queas.
Non satis esse putet, si quis vitabit utrumvis,
Sed fieri si vis præsul, utrumque cave."
T. Mori Opp. p. 249. Francofurti, 1689.

And he addresses a parish priest:

"Quid faciant fugiantve tui, quo cernere possint,
Vita potest claro pro speculo esse tua.
Tantum opus admonitu est, ut te intueantur, et ut tu
Quæ facis, hæc fugiant: quæ fugis, hæc faciant."
Ibid. p. 247.

See also his epigrams, "In Posthumum Episcopum," "In Episcopum illiteratum," "De Nautis ejicientibus Monachum," etc.

2 Responsio ad Lutherum, *passim*: "Pater frater, potator Lutherus," seems to be a favourite expression, but is mild in comparison with others—"novum inferorum Deum," "Satanista Lutherus," "pediculoso fraterculo." Luther's friends are "nebulonum, potatorum, scortatorum, sicariorum, senatum," and More winds up his theological argument with—"furiosum fraterculum et latrinarium nebulonem

Lutheran movement More seems to have inclined towards condemning all practices that were not in accordance with human nature, though he appears willing to admit that there may be some special sanctity, though not wisdom, in conquering nature.[1] After the commencement of the Reformation, however, his views underwent a reaction, and he not only defended monastic vows, but he even went so far as to argue that by the recent marriages of the Saxon reformers God had manifested his signal displeasure, for in the old law true priests could be joined only to the chastest virgins, while God permitted these false pastors to take to wife none but public strumpets.[2] If he accused Luther of sweeping away the venerable traditions of man and of God,[3] he showed how conscientious was this rigid conservatism when he laid his head upon the block in testimony for the principal creation and bulwark of tradition—the papal supremacy.

A community thus halting between an acute perception of existing evils and a resolute determination not to

cum suis furiis et furoribus, cum suis merdis et stercoribus cacantem cacatumque relinquere."

Luther was himself a master in theological abuse, but More's admiring biographer, Stapleton, boasts that the German was appalled at the superior vigour of the Englishman, and for the first time in his life he declined further controversy—"magis mutus factus est quam piscis." (Stapletoni Vit. T. Mori, cap. iv.) As More, however, published the tract under the name of William Rosse, an Englishman who had recently died in Rome, Luther's reticence is more easily to be accounted for.

1 In one passage More describes his Utopians as considering virtue to consist in living according to nature. "Nempe virtutem definiunt, secundum naturam vivere: ad id siquidem a Deo institutos esse nos. . . . Vitam ergo jucundam, inquiunt, id est voluptatem, tanquam operationum omnium finem, ipsa nobis natura præscribit: ex cujus præscripto vivere, virtutem definiunt" (Utopiæ Lib. II. Tit. de Peregrinatione). In another passage, however, he describes two sects or heresies, the one consisting of men who abstained from marriage and the use of flesh, the other of those who devoted themselves to labour, marrying as a duty and indulging in food to increase their strength, and says of them, "Hos Utopiani prudentiores, at illos sanctiores reputant" (Ibid. Tit. de Religionibus).

2 Respons. ad Lutherum Perorat.

It should be borne in mind that this was written after his friend Erasmus had publicly given in his adhesion to marriage as the only remedy for sacerdotal corruption.

3 Ibid. Lib. I. cap. iv.

remove them was exactly in the temper to render the great movement of the sixteenth century as disastrous to themselves as possible. How to meet the inevitable under such conditions was a problem which might well tax the acutest intellect, and Wolsey, whose fate it was to undertake the task, seems to have been inspired with more than his customary audacious ingenuity in seeking the solution.

Wolsey himself was no ascetic, as the popular inscription over the door of his palace—"Domus meretricium Domini Cardinalis"—sufficiently attests. A visitation of the religious houses undertaken in 1511 by Archbishop Warham had revealed all the old iniquities, without calling forth any remedy beyond an admonition.[1] In 1518, Wolsey himself had attempted a systematic reformation in his diocese of York, and had revived the ancient canons punishing concubinage among his priesthood;[2] and in 1519 we find him applying to Leo X. for a bull conferring special power to correct the enormities of the clergy.[3] When, in 1523, he proposed a general visitation for the reformation of the ecclesiastical body, Fox, Bishop of Winchester, urged it as in the highest degree necessary, stating that he himself had for three years been devoting all his energies to restore discipline in his diocese, and that his efforts had been so utterly fruitless that he had abandoned all hope of any change for the better.[4] Cranmer, indeed, in his "Confutation of Unwritten Verities," did not hesitate to say that "within my memory, which is above thirty years, and also by the information of others that be twenty years elder than I, I could never perceive or learn that any one priest, under the Pope's kingdom,

1 Froude's England, ch. x.
2 Wilkins III. 669, 678.
3 Card. Eboracens. Epist. v. (Martene Ampliss. Collect. III. 1289).
4 Strype's Eccles. Memorials, T. I. App. p. 19.

was ever punished for advoutry by his ordinary."[1] It may readily be believed, therefore, that Wolsey fully recognised the utter inefficiency of the worn-out weapons of discipline. Yet he was too shrewd a statesman not to foresee that reformation from within or from without must come, and, in taking the initiative, he commenced by quietly and indirectly attacking the monastic orders. As a munificent patron of letters, it was natural that he should emulate Merton and Wykeham in founding a college at Oxford; and "Cardinal's College," now Christ Church, became the lever with which to topple over the vast monastic system of England.

The development of the plan was characteristically insidious. By a bull of 3 April, 1524 (confirmed by Henry, May 10), Clement VII. authorised him to suppress the priory of St. Frediswood at Oxford, and to remove the monks, for the purpose of converting it into a "Collegium Clericorum Seculorum."[2] This was followed by a bull, dated August 21 of the same year, empowering him as legate to make inquisition and reformation in all religious houses throughout the kingdom, to incarcerate and punish the inmates, and to deprive them of their property and privileges, all grants or charters to the contrary notwithstanding.[3] The real purport of this extraordinary commission is shown by the speedy issue of yet another bull, dated September 11, conceding to him the confiscation of monasteries to the amount of 3000 ducats annual rental, for the endowment of his college, and alleging as a reason for the measure that many establishments had not more than five or six inmates.[4]

1 Strype's Memorials of Cranmer, Bk. II. ch. v.

2 Rymer's Fœdera, XIV. 15.

3 Wilkins III. 704.—Bishop Burnet says that Wolsey's design in procuring this bull was to suppress all monasteries, but that he was persuaded to abandon his purpose on account of opposition and dread of scandals.—Hist. Reform. Vol. I. p. 20 Ed. 1679).

4 Rymer, XIV. 24.—Confirmed by the King, January 7, 1525 (Ibid. p. 32).

The affair was now fully in train, and proceeded with accelerating momentum. On 3 July, 1525, Henry confirmed the incorporation of the college; his letters-patent of 1 May, 1526, enumerate eighteen monasteries suppressed for its benefit, while other letters of May 10 grant seventy-one churches or rectories for its support, and yet other grants are alluded to as made in letters which have not been preserved.[1] In 1528 these were followed by various other donations of religious houses and manors, and during the same year Wolsey founded another Cardinal's College at Ipswich, which became a fresh source of absorption.[2]

Had Henry VIII. entertained any preconceived design of suppressing the religious houses, his impatient temper would scarcely have allowed him to remain so long a witness of this spoliation without taking his share and carrying the matter out with his accustomed boldness and disregard of consequences. At length, however, he claimed his portion, and procured from Clement a bull, dated 2 November, 1528, conceding to him, for the benefit of the old foundations of the King's Colleges at Cambridge and Windsor, the suppression of monasteries to the annual value of 8000 ducats.[3] This was followed by another, a few days later, empowering Wolsey and Campeggio, co-legates in the affair of Queen Katharine's divorce, to unite to other monasteries all those containing less than twelve inmates—thus authorising the suppression of the latter, of which the number was very large.[4] Another bull of the same date (November 12) attacked the larger abbeys, which had thus far escaped. It ordered

1 Rymer XIV. pp. 156–6, 172–5.

2 Ibid. pp. 240–44, 250–58. See a letter of the English Ambassadors at Rome to Wolsey, describing a conference on this subject with the Pope, wherein he freely acknowledged the propriety of destroying those houses which were nothing but a "scandalum religionis."—Strype, Eccles. Memorials, I. App. 58.

3 Rymer, XIV. pp. 270–1.

4 Ibid. 272–3.

the two cardinals, under request from the King, to inquire into the propriety of suppressing the rich monasteries enjoying over 10,000 ducats per annum, for the purpose of converting them into bishoprics, on the plea that the seventeen sees of the kingdom were insufficient for the spiritual wants of the people.[1] The report of the cardinals apparently seconded the views of Henry, for Clement granted to them, 29 May, 1529, the power of creating and arranging bishoprics at their discretion, and of sacrificing additional monasteries when necessary to provide adequate revenues.[2] It is probable that the monks who had been unceremoniously deprived of their possessions did not in all cases submit without resistance, for the bull of 12 November, 1528, respecting the smaller houses, was repeated 31 August, 1529, with the suggestive addition of authority to call in the assistance of the secular arm.[3]

Wolsey was now tottering to his fall. Process against him was commenced on 9 October, 1529, and on the 18th the Great Seal was delivered to More. His power, however, had lasted long enough to break down all the safeguards which had for so many centuries grown around the sacred precincts of ecclesiastical property; and the rich foundations which covered so large a portion of English territory lay defenceless before the cupidity of a despot who rarely allowed any consideration, human or divine, to interfere with his wishes, whose extravagance rendered him eager to find new sources of supply for an exhausted treasury, and whose temper had been aroused by the active support lent by the preaching friars to the party of Queen Katherine in the affair of the divorce. Yet it is creditable to Henry's self-command

1 Rymer, XIV. pp. 273–5.

2 Ibid. 291–3.

3 Ibid. 345–6. A document showing one phase of the struggle may be found in Strype's Memorials I. Append. p. 89. It is to the credit of Wolsey that he retained his interest in his colleges even after his fall. See his letter to Gardiner of 23 July, 1530 (Ibid. p. 92).

that the blow did not fall sooner, although it came at last.

It is not my province to enter into the details of Henry's miserable quarrel with Rome, which, except in its results, is from every point of view one of the most humiliating pages of English history. The year 1532 saw the proclamation of the King commanding the support of his subjects in the impending rupture, and the subscription of the clergy to a paper which, with unparalleled servility, placed the whole ecclesiastical constitution of the kingdom in his absolute power.[1] The following year his long-protracted divorce from Katherine of Aragon was consummated; the annates were withdrawn from the Pope, and Henry assumed the title of Supreme Head of the Church of England.[2] In 1535 an obedient Parliament confirmed the acts of the sovereign, and forbade the promulgation of any canons by synods or convocations without his approval. The power of the Pope was abolished by proclamation, and universities and prelates rivalled each other in obsequiously transferring to Henry the reverence due to Rome.[3]

The greater portion of the monasteries, which had already experienced a foretaste of the wrath to come, hastened to proclaim their adhesion to the new theological autocracy, and means not the most gentle were found to persuade the remainder. The Carthusians of the Charter House of London gave especial trouble, and the contest between them and the King affords a vivid picture of the times. There is something very affecting in the account given by Strype of the humble but resolute resignation

1 Pecock's Records of the Reformation No. 276 (Vol. II. p. 259).

2 Wilkins III. 755–62.

3 Ibid. 770–82, 789.—Parliamentary Hist. of England, I. 525. In 1532 Henry had complained to his Parliament that the clergy were but half subjects to him, in consequence of their oaths to the Pope, and he desired that some remedy should be found for this state of things (Ibid. p. 519).

with which the prior and his monks prepared themselves for martyrdom in vindication of the papal supremacy.[1] Their courage was soon put to the test. Between the 27th of April and the 4th of August, 1535, the prior and eleven of his monks were put to death with all the horrors of the punishment for high treason;[2] but neither this nor the efforts of a new and more loyal prior were able to produce submission. In 1536, ten of the most unyielding were sent to other houses, where several of them were subsequently executed, and in 1537 ten more were thrown into Newgate, where nine of them died almost immediately—it is to be presumed from the rigour of their confinement and the foulness of the gaol. In 1539, the few that remained were expelled; the house was seized and used as an arsenal, until it was given to Sir Edward North, who changed it into a residence, pulling down the cloisters and converting the church into his parlour.[3] The Observantine Franciscans were equally resolute, and, moreover, persistently adhered to the cause of Katherine of Aragon. After unsuccessful attempts to win them over, some two hundred of them were sent to prison, where they mostly perished, and in 1537, eight of them who survived were allowed to leave England.[4]

The direct relations of the regular Orders with the papacy rendered it impossible to regard them otherwise than as a source of disaffection and danger in the new order of things. Their destruction thus seemed to be a political necessity, the desire for which was enhanced by the relief promised to Henry's exhausted treasury through the secularisation of their property. As a rule, their establishments were not unpopular, and, little as Henry recked of any opposition to his will, some excuse was

1 Strype, Eccles. Memor. I. 195.
2 Suppression of Monasteries, p. 40 (Camden Soc.).—Strype, op. cit. p. 197.
3 Strype, op. cit. pp. 277–8.
4 Gasquet, Henry VIII. and the English Monasteries, I. 156–201 (Ed. 1888).

necessary to win over public opinion to such harsh measures. The most effective means for this was a visitation which should expose the secret turpitude of monasticism, and accordingly, in 1535, commissions were issued to examine into the foundation, title, history, condition of discipline, and number and character of inmates of all religious orders.[1] Thomas Cromwell had no difficulty in finding visitors who should supply the material desired. In the summer and autumn of 1535, three commissioners —John Ap Rice and Doctors Legh and Layton—were busily engaged with the religious houses of the south of England. Of these, Ap Rice, to judge by his reports, was inclined to be fair-minded, while the others were unscrupulously eager to meet the wishes of their master, and their reports were filled with descriptions of foul disorders. They were consequently selected to continue the work in the north, which, under pressure of limited time, was so hurriedly performed that the investigation must have been merely nominal. Parliament was to meet on 4 February, 1536, and their work must be completed in time to lay before it. Commencing December 22, in about six weeks they reported on a hundred and fifty-five houses in the province of York and the dioceses of Coventry, Lichfield, and Norwich, including a few scattered ones elsewhere. Only about forty per cent. of the houses in these districts were visited, and of the hundred and fifty-five there were forty-three against which nothing more serious than superstition was alleged—probably on account of well-timed liberality exhibited to the visitors. The rest were described as more or less vicious.[2]

The result of this visitation, exaggerated by subsequent writers, has been to blacken unduly the memory of English

[1] Wilkins, III. 787.

[2] Calendar of State Papers of the Reign of Henry VIII. Vol. IX., Nos. 42, 49, 139, 160, 497, 622; Vol. X., No. 364; Gairdner's Preface, p. xlv.

monasticism. No one familiar with the mendacity of public papers of that age places confidence in their unsupported statements when there was an object to be gained, and nothing in the character of Henry's selected agents tends to prevent a wholesome attitude of doubt. Besides, in some cases there happens to be evidence contradicting the statements of the visitors. Thus, in October 1535, Layton reports to Cromwell: "The prior of Dover and his monks are as bad as others. Sodomy there is none, for they have no lack of women. The Abbot of Langdon is worse than all the rest, the drunkennest knave living. His canons are as bad as he, without a spark of virtue."[1] The result of this was the immediate surrender of the houses of Langdon, Dover, and Folkstone, but the commissioners who received the surrender wrote to Cromwell, November 16: "The house of Langdon is in decay, the abbot unthrifty, and his convent ignorant. Dover is well repaired, and the prior has reduced the debt from £180 to £100, of whose nowe case divers of the honest inhabitants of Dover show themselves very sorry. Folkestone is a little house, well repaired, and the prior a good husbandman beloved of his neighbours."[2] Still more compromising is the fact that, on 24 April, 1536, a commission was issued to some prominent men in each county to make a new survey of the monasteries. Reports of these commissioners, in June, for Leicestershire, Warwickshire, Rutland, and Hunts are extant, and they almost uniformly represent the inmates to be of good conversation; in fact, it is especially significant that in Leicestershire, two—Garendon and Gracedieu, which had been the subject of particular animadversion by Legh and Layton—were reported on favourably.

In this conflict of testimony we must therefore rely on antecedent and circumstantial evidence, and we may not

[1] Calendar, Vol. IX. Nos. 669, 829.

[2] Calendar, Vol. X. No. 1191; Gairdner's Preface, xlv.–vi.

accept as proven Father Gasquet's pious and laborious rehabilitation.[1] All contemporary authorities agree that the pre-Reformation Church was steeped in worldliness. The English monasteries were not likely to have improved since Archbishop Morton described their condition, half a century earlier, as similarly deplorable, or Wolsey at a later period; nor is there any ground for imagining them as better than their Continental brethren, whose lapses were the subject of bitter reprehension by censors of their own faith. The Franciscan, Dr. Thomas Murner, who was subsequently one of Luther's most vituperative opponents, in his *Narrenbeschwerung* assumes as a matter of course that all parish priests kept concubines, and all priests and monks meddle with men's wives, while in the nunneries she who has most children is reckoned the abbess.[2] A more sober witness is Abbot Trithemius, whose description of the houses of his own Benedictine Order we have seen above. Scarce anything, indeed, can be conceived worse than the condition of the German convents as detailed in a document drawn up by order of the Emperor Ferdinand in 1562, to stimulate the Council of Trent to action.[3] In Italy there is ample evidence that the regular Orders were no better;[4] and as for France, it is sufficient to refer to the description, by the Council of Paris in 1521, of the entire absence of discipline in capitular and conventual life.[5] In fact, the whole conventual system was so corrupt that, as we shall see, the cardinals whom Paul III. in 1538 charged to draw up a plan of reform for the Church proposed to abolish all the conventual Orders, in order to relieve the people of their evil

1 Gasquet's Henry VIII. and the English Monasteries, Chap. IX.

2 Th. Murner's Narrenbeschwerung, Ed. Scheible, Stuttgart, 1846.

3 Le Plat, Monumentt. Concil. Trident. V .244–5.

4 Pastor, Geschichte den Päpste, III. 126 (Ed. 1895).

5 Concil. Parisiens. ann. 1521, cap. 2, 3, 4 (Labbe et Coleti Supplem. V, 518–19).

example, and to place the nunneries under episcopal jurisdiction.[1] That public opinion in England took the same view of the monastic establishments would appear from the travels of Nicander Nucius, who visited England about 1545, and who, in relating the story of their suppression, gives as damaging an account of their morality as Bishop Burnet or any of those who have been classed as their special defamers.[2] The impartial student may therefore not unreasonably conclude that, in view of the state of monastic morals everywhere else in Christendom, the assertion that England was an exception requires stronger evidence than has been produced.

That a portion at least of the people were eager for the secularisation of the religious houses is apparent from the virulence of the assault upon them in the notorious document known as "The Beggars' Petition." It calculates that, besides the tithes, one-third of the kingdom was ecclesiastical property, and that these vast possessions were devoted to the support of a body of men who found their sole serious occupation in destroying the peace of families and corrupting the virtue of women. The economical injury to the Commonwealth, and the interference with the royal prerogative of the ecclesiastical system, were argued with much cogency, and the King was entreated to destroy it by the most summary methods. That any one should venture to publish so violent an attack upon the existing Church, at a time when punishment so prompt followed all indiscretions of this nature, renders this production peculiarly significant both as to

[1] Alius abusus corrigendus est in ordinibus religiosorum quod adeo multi deformati sunt ut magno sint scandalo sæcularibus ex emplumque plurimum noceant. Conventuales ordines abolendos esse putamus omnes. . . . Abusus alius turbat Christianum populum in monialibus quæ sunt sub cura fratrum conventualium, ubi plerisque monasteriis fiunt publica sacrilegia, cum maximo omnium scandalo.—Le Plat, Monumentt. Concil. Trident. II. 601–2 (Lovanii, 1782).

[2] Travels of Nicander Nucius, pp. 68–71 (Camden Soc.).

the temper of the educated portion of the people and the presumed intentions of the King.[1]

Whether the reports of the visitors were true or false, they served the purpose of those who procured them. The Parliament which met 4 February, 1536, was composed almost exclusively of members selected by the court and presumably submissive to the royal will. Yet, when a bill was introduced suppressing all houses whose landed revenues did not exced £200, it seems to have taken the House by surprise. There were hesitation and delay, and tradition relates that it required the personal urgency of the King, accompanied by threats and the reading of the reports of the visitors, to obtain its enactment.[2] To justify

[1] As published in the Harleian Miscellany, "The Beggars' Petition" bears the date of 1538, but internal evidence would assign it to a time anterior to the suppression of the monasteries, and Burnet attributes it to the period under consideration, saying that it was written by Simon Fish, of Gray's Inn, that it took mightily with the public, and that when it was handed to the King by Ann Boleyn, "he lik'd it well, and would not suffer anything to be done to the author" (Hist. Reform. I. 160). Froude, indeed, assigns it to the date of 1528, and states that Wolsey issued a proclamation against it, and further, that Simon Fish, the author, died in 1528 (Hist. Engl. Ch. VI.), while Strype (Eccles Memorials I. 165) includes it in a list of books prohibited by Cuthbert, Bishop of London, in 1526. In the edition of 1546, the date of 1524 is attributed to it.

The tone of that which was thus equally agreeable to the court and to the city may be judged from the following extracts, which are by no means the plainest spoken that might be selected.

"§ 13. Yea, and what do they more? Truly, nothing but apply themselves by all the sleights they may to have to do with every man's wife, every man's daughter, and every man's maid; that cuckoldry should reign over all among your subjects; that no man should know his own child; that their bastards might inherit the possessions of every man, to put the right-begotten children clean beside their inheritance, in subversion of all estates and godly order.

"§ 16. Who is she that will set her hands to work to get three-pence a day and may have at least twenty-pence a day to sleep an hour with a friar, a monk, or a priest? Who is he that would labour for a groat a day, and may have at least twelve-pence a day to be a bawd to a priest, a monk, or a friar?

"§ 31. Wherefore, if your grace will set their sturdy loobies abroad in the world, to get them wives of their own, to get their living with their labour, in the sweat of their faces, according to the commandment of God, *Gen.* iii., to give other idle people, by their example, occasion to go to labour; tye these holy, idle thieves to the carts to be whipped naked about every market-town, till they will fall to labour, that they may, by their importunate begging, not take away the alms that the good Christian people would give unto us sore, impotent, miserable people your bedemen."

[2] Gasquet, op. cit., pp. 311–12.—Gairdner, Calendar, Vol. X. p. xlv.

it, the preamble recites that "manifest sin, vicious, carnal and abominable living is daily used and committed commonly in such little and small abbeys, priories and religious houses of monks, canons and nuns, where the congregation of such religious persons is under the number of twelve persons," and that this increases in spite of continual visitations during the past two hundred years, so that the only hope of amendment is to transfer their inmates to the "diverse and great solemn monasteries of this realm wherein (thanks be to God) religion is right well kept and observed."[1] The distinction between the "great solemn monasteries," which were praised, and the small ones, which were reviled, was a trifle illogical, but probably no one ventured to criticise the inconsistency, and the bill was passed.

Three hundred and seventy-six houses were swept away by this Act, and the "Court of Augmentations of the King's Revenue" was established to take charge of the lands and goods thus summarily escheated. The rents which thus fell to the King were valued at £32,000 a year, and the movable property at £100,000, while the commissioners were popularly supposed to have been "as careful to enrich themselves as to increase the King's revenue." Stokesley, Bishop of London, remarked, concerning the transaction, that "these lesser houses were as thorns soon plucked up, but the great abbeys were like petrified old oaks; yet they must needs follow, and so would others do in Christendom before many years were passed." But Stokesley, however true a prophet in the general scope of his observation, was mistaken as to the extreme facility of eradicating the humble thorns. The country was not so easily reconciled to the change as the versatile, more intelligent, and less reverent inhabitants of the cities. Henry, unluckily, not only had not abrogated

[1] 27 Henry VIII. cap. 28.

Purgatory by proclamation, but had specially recommended the continuance of prayers and masses for the dead,[1] and thousands were struck with dread as to the future prospects of themselves and their dearest kindred when there should be few to offer the sacrifice of the Mass for the benefit of departed souls, to say nothing of those which had been paid for and not yet celebrated. The traveller and the mendicant, too, missed the ever open door and the coarse but abundant fare which smoothed the path of the humble wayfarer. Discontent spread widely, and was soon manifested openly. To meet this, most of the lands were sold at a very moderate price to the neighbouring gentry, under condition of exercising free hospitality to supply the wants of those who had hitherto been dependent on conventual charity.[2]

The plan was only partially successful, and soon another element of trouble made itself apparent. Of the monks whose houses were suppressed, those who desired to continue a monastic life were transferred to the larger foundations, while the rest took "capacities,"[3] under promise of a reasonable allowance for their journey home.

[1] Articles devised by the Kinges Highnes Majestie, ann. 1536 (Formularies of Faith, Oxford, 1856, p. xxxi.).

[2] Burnet, I. 193–4, 222–4;—Parl. Hist. I. 526–7. To our modern notions, there is something inexpressibly disgusting in the openness with which bribes were tendered to Cromwell by those who were eager to obtain grants of abbey lands (Suppression of Monasteries, *passim*). On the other hand, the abbots and abbesses who feared for their houses had as little scruple in offering him large sums for his protection. Thus the good Bishop Latimer renders himself the intermediary (16 Dec., 1536) of an offer from the Prior of Great Malvern of 500 marks to the King and 200 to Cromwell to preserve that foundation; while the Abbot of Peterboro' tendered the enormous sum of 2500 marks to the King and £300 to Cromwell (Ibid. 150, 179). The liberal disposition of the latter seems to have made an impression, for, though he could not save his abbey, he was appointed the first Bishop of Peterboro'—a see erected upon the ruins of the house.

[3] "They be very pore, and can have lytyll serves withowtt ther capacytes. The bischoypps and curettes be very hard to them, withowtt they have ther capacytes." —The Bishop of Dover to Cromwell, 10 March, 1538 (Suppression of Monasteries, p. 193). These "capacities" empowered them to perform the functions of secular priests. The good bishop pleads that certain poor monks may obtain them without paying the usual fee.

They received only forty shillings and a gown, and with this slender provision it was estimated that about ten thousand were turned adrift upon the world, in which their previous life had incapacitated them from earning a support. The result is visible in the Act for the punishment of "sturdy vagabonds and beggars," passed by Parliament in this same year, inflicting a graduated scale of penalties, of which hanging was the one threatened for a third offence.[1]

This was a dangerous addition to society when discontent was smouldering and ready to burst into flame. The result was soon apparent. After harvest-time great disturbances convulsed the kingdom. A rising, reported as consisting of twenty thousand men, in Lincolnshire, was put down by the Duke of Suffolk with a heavy force and free promises of pardon. In the North matters were even more serious. The clergy there were less tractable than their southern brethren, and some Injunctions savouring strongly of Protestantism aroused their susceptibilities afresh. Unwilling to submit without a struggle, they held a convocation, in which they denied the royal supremacy and proclaimed their obedience to the Pope. This was rank rebellion, especially as Paul III., on 30 August, 1535, had issued his bull of excommunication against Henry, and self-preservation therefore demanded the immediate suppression of the recalcitrants. They would hardly, indeed, have ventured on assuming a position of such dangerous opposition without the assurance of popular support, nor were their expectations or labours disappointed. The "Pilgrimage of Grace," according to report, soon numbered forty thousand men. Although Skipton and Scarboro' bravely resisted a desperate siege, the success of the insurgents at York, Hull, and Pomfret Castle was encouraging, and risings in Lancashire, Durham, and

[1] 27 Henry VIII. c. 25, renewed by 28 Hen. VIII. c. 6.—Parliament. Hist. I. 574.

Westmoreland gave to the insurrection an aspect of the most menacing character. Good fortune and skilful strategy, however, saved the Duke of Norfolk and his little army from defeat; the winter was rapidly approaching, and at length a proclamation of general amnesty, issued by the King on December 9, induced a dispersion of the rebels. The year 1537 saw another rising in the North, but this time it only numbered eight thousand men. Repulsed at Carlisle, and cut to pieces by Norfolk, the insurgents were quickly put down, and other disturbances of minor importance were even more readily suppressed.[1]

Strengthened by these triumphs over the disaffected, Henry proceeded, in 1537, to make the acknowledgment of papal authority a crime liable to the penalties of a præmunire;[2] and, as resistance was no longer to be dreaded, he commenced to take possession of some of the larger houses. These did not come within the scope of the Act of Parliament, and therefore were made the subject of special transactions. The abbots resigned, either from having been implicated in the late insurrections, or feeling that their evil lives would not bear investigation, or doubtless, in many cases, from a clear perception of the doom impending in the near future, which rendered it prudent to make the best terms possible while yet there was time. Thus in these cases the monks were generally pensioned with eight marks a year, while some of the abbots secured a revenue of 400 or 500 marks.[3] In an agreement which has been preserved, the monks were to

1 Burnet, I. 227–34; Collect. 160.—Wilkins III. 784, 792, 812.—Rymer, XIV. 549.

2 28 Henry VIII. c. 10.—Parl. Hist. I. 533.

Præmunire derives its name from the statues 27 Edward III. cap. 1, and 16 Richard II. cap. 2, against carrying to Rome actions cognisable in the royal courts. It was virtually equivalent to outlawry.

3 Burnet, I. 235–7. These pensions were not in all cases secured without difficulty, even after promises had been made and agreements entered into (Suppression of Monasteries, p. 126).

receive pensions varying from 53*s.* 4*d.* to £4 a year, according to their age.[1] In some cases, indeed, according to Bishop Latimer, in a sermon preached before Edward VI., the royal exchequer was relieved by finding preferment for most unworthy objects: "However bad the reports of them were, some were made bishops and others put into good dignities in the Church, that so the King might save their pensions that otherwise were to be paid them."[2] An effectual means, moreover, of inducing voluntary surrenders was by stopping their source of support, and thus starving them out. Richard, Bishop of Dover, one of the commissioners in Wales, writes to Cromwell, 23 May, 1538: "I thinke before the yere be owt ther schall be very fewe howsis abill to lyve, but schall be glade to giffe up their howseis and provide for them selvys otherwise, for their thei schall have no living." In anticipation of the impending doom, many of the abbots and priors had sold everything that was saleable, from lands and leases down to spits and kitchen utensils, leaving their houses completely denuded. The letters of the commissioners are full of complaints respecting this sharp practice, and of their efforts to trace the property. Another mode of compelling surrenders was by threatening the strict enforcement of the rules of the Order. Thus, in the official report of the surrender of the Austin Friars of Gloucester, we find the alternative given them, when "the seyd freeres seyed . . . as the worlde ys nowe they war not abull to kepe them and leffe in ther howseys, wherfore voluntaryly they gaffe ther howseys into the vesytores handes to the kynges use. The vesytor seyd to them, 'thynke nott, nor hereafter reportt nott, that ye be suppresseyd, for I have noo such auctoryte to suppresse yow, but only to reforme yow, wherfor yf ye woll be reformeyd,

[1] Suppression of Monasteries, p. 170.—Strype's Eccles. Memor. I. 262.
[2] Strype, Memorials of Cranmer, Book I. Chap. ix.

accordeyng to good order, ye may contynew for all me.' They seyd they war nott abull to contynew," whereupon they were ejected.[1]

In the year 1538 the work proceeded with increased rapidity, no less than 158 surrenders of the larger houses being enrolled. Many of the abbots were attainted of treason and executed, and the abbey lands forfeited. Means not of the nicest kind were taken to increase the disrepute of the monastic orders, and they retaliated in the same way. Thus, the Abbot of Crossed-Friars, in London, was surprised in the day time with a woman under the worst possible circumstances, giving rise to a lawsuit more curious than decent;[2] while, on the other hand, the Abbess of Chepstow accused Dr. London, one of the visitors, of corrupting her nuns.[3] Public opinion, however, did not move fast enough for the rapacity of those in power, and strenuous exertions were made to stimulate it. All the foul stories that could be found or invented respecting the abbeys were raked together; but these proving insufficient, the impostures concerning relics and images were investigated with great success, and many singular exposures

1 Suppression of Monast. pp. 194, 203.

2 A letter from John Bartelot to Cromwell shows that the abbot purchased secrecy by distributing thirty pounds to those who detected him, and promising them thirty more. This latter sum was subsequently reduced to six pounds, for which the holy man gave his note. This not being paid at maturity, he was sued, when he had the audacity to complain to Cromwell, and to threaten to prosecute the intruders for robbery and force them to return the money paid. Bartelot relates his share in the somewhat questionable transaction with great naïveté, and applies to Cromwell for protection.—Suppression of Monasteries, Letter xxv.

3 This may have been true, for Dr. London was one of the miserable tools who are the fitting representatives of the time. His desire to discover the irregularities of the monastic orders arose from no reverence for virtue, for he underwent public penance at Oxford for adultery with a mother and daughter (Strype, Eccles. Memor. I. 376), and his zeal in suppressing the monasteries was complemented with equal zeal in persecuting Protestants. In 1543 he made himself conspicuous, in conjunction with Gardiner, by having heretics burned under the provisions of the Six Articles. His eagerness in this good work led him to commit perjury, on conviction of which he was pilloried in Windsor, Reading, and Newbury, and thrust into the Fleet, where he died.—Strype, Memorials of Cranmer, Book I. chap. 26, 27.

In fact, Henry's capricious despotism rendered it almost impossible that he could be served by men of self-respect and honour.

were made which gave the King fresh warrant for his arbitrary measures, and placed the religious houses in a more defenceless position than ever.[1]

Despite all this, in the session of 1539 all the twenty-eight parliamentary abbots had their writs, and no less than twenty sat in the House of Lords.[2] Yet the influence of the court and the progress of public opinion were shown in an Act which confirmed the suppressions of the larger houses not embraced in the former Act, as well as all that might thereafter be suppressed, forfeited, or resigned,[3] and 9 May, 1540, by special enactment, the ancient Order of the Knights of St. John was broken up, pensions being granted to the grand prior and some of the principal dignitaries.[4] These measures consummated the ruin of the monastic system in England. Henceforth it was altogether at the King's mercy, and his character was not one to temper power with moderation. In 1539 there are upon record fifty-seven surrenders of the great abbeys,[5]

1 Burnet, I. 238–43.—See also Froude's Hist. Engl. III. 285 et seq. During his visitation (August 27, 1538) the Bishop of Dover writes to Cromwell, "I have Malkow's ere that Peter stroke of, as yt ys wrytyn, and a M. as trewe as that" (Suppression of Monasteries, p. 212). In a report of December 28, 1538, Dr. London observes, with dry humour, "I have dyvers other propre thinges, as two heddes of seynt Ursula, wich bycause ther ys no maner of sylver abowt them, I reserve tyll I have another hedd of herse, wich I schall fynd in my waye within theese xiiii. days, as I am creadably informyd" (Ibid. p. 234). Dr. Layton writes in the same spirit to Cromwell: "Yee shall also receive a Bag of Relicks wherein ye shall see Stranger Things as shall appear by the Scripture. As God's Coat, or Ladie's Smock; Part of God's Supper, In cœna Domini; Pars petræ super qua natus erat Jesus in Bethlehem. Besides there is in Bethlehem plenty of Stones and sometimes Quarries, and maketh their mangers of Stone. The scripture of every thing shall declare you all. And all these of Mayden Bradley. Where is a holy Father Prior; and hath but six Sons and one Daughter married yet of the goods of the Monastery. And he thanketh God, he never meddled with married women; but all with Maidens, the fairest could be gotten. And always married them right well. The Pope, considering his fragility, gave him licence to keep a w——: and hath good writing, sub Plumbo, to discharge his conscience" (Strype, Eccles. Memor. I. 253).—Nicander Nucius (op. cit. pp. 51–62) relates some of the stories current at the time of the miracles engineered by the monks to stave off their impending doom.

2 Parl. Hist. I. 535.

3 31 Henry VIII. c. 13 (Parl. Hist. I. 537).

4 32 Henry VIII. c. 24 (Ibid. 543–44).

5 Burnet I. 262–3.

and a large number in 1540, the good house of Godstow being the last of the great monasteries to fall. Of the old monastic system this left only the chantries, free chapels, collegiate churches, hospitals, &c., which were gradually absorbed during the succeeding years,[1] until the necessities of the King prompted a sweeping measure for their destruction. Accordingly in 1545 a bill was brought in placing them all at his disposition, together with the property of all guilds and fraternities. There were some indications of opposition, but the King pleaded the expenditures of the French and Scottish wars, and solemnly promised his Parliament "that all should be done for the glory of God and common profit of the realm," whereupon it was passed.[2] It is computed that the number of monasteries suppressed by these various measures was 645; of colleges, 90; of chantries and free chapels, 2374; and of hospitals, 110.[3]

A vast amount of property thus passed into the hands of the court. The clear yearly rental of the suppressed houses alone was rated at £131,607 6*s.* 4*d.*—an immense sum in those days; but Burnet states that in reality it was almost tenfold the amount.[4] Small as may have been the good effected by these enormous possessions in the hands of the monks, it was even more worthless under the management of its new masters. Henry admitted the heavy responsibility which he assumed in thus seizing the wealth which had been dedicated to pious uses, and he entertained magnificent schemes for devoting it to the public benefit, but his own extravagance and the grasping avarice of needy courtiers wrought out a result ridiculously mean. Thus he designed to set aside a rental of £18,000 for the

1 Rymer, XIV. XV.

2 37 Hen. VIII. c. 4 (Parl. Hist. I. 561).

3 Parl. Hist. I. 537.

4 This may readily be considered no exaggeration. A letter from John Freeman to Cromwell values at £80,000 the lead alone stripped from the dismantled houses (Suppression of Monasteries, p. 290).

support of eighteen "Byshopprychys to be new made."[1] For this purpose he obtained full power from Parliament in 1539,[2] and in 1540 he established one on the remains of the Abbey of Westminster. Those of Chester, Gloucester, and Peterboro' were established in 1541, and in 1543 those of Oxford and Bristol,[3] and one of them, that of Westminster, was suppressed in 1550, leaving only five as the result. The people were quieted by assurances that taxes would be abrogated for ever and the kingdom kept in a most efficient state of defence; but subsidies and benevolences were immediately exacted with more frequency and energy than ever.[4] Splendid foundations were promised for institutions of learning, but little was given; a moderate sum was expended in improving the sea-ports, while broad manors and rich farms were granted to favourites at almost nominal prices; and the ill-gotten wealth abstracted from the Church disappeared without leaving traces except in the sudden and overgrown fortunes of those gentlemen who were fortunate or prompt enough to make use of the golden opportunity, and who to obtain them had no scruple in openly tendering bribes and shares in the spoil to Cromwell, the omnipotent favourite of the King.[5] The complaints of the people, who found their new masters harder than the old, may be estimated from some specimens printed by Strype.[6]

If it be asked what became of the "holy idle thieves" and "sturdy loobies" whom the Beggars' Petition so earnestly desired to be thrown upon the world, the answer may be found in the legislation of Edward VI. It was

[1] 1 Such is the substance of a memorandum in Henry's own handwriting (Suppression of Monasteries, No. 131, p. 263).

2 31 Hen. VIII. c. 9 (Parl. Hist. I. 540).

3 Burnet I. 300.

4 Strype, Eccles. Memor. I. 345.

5 See letters of the Lord Chancellor Audley and the learned Sir Thomas Elyot to Cromwell.—Strype, Eccles. Memor. I. 263–5,

6 Op. cit. I, 392–403; II. 258–63.

impossible that the sudden and violent overthrow of a system on which nearly all charitable relief was based could be effected without causing infinite misery during the period of transition, no matter how tenderly the interests of the poor might be guarded. In the organisation of the Catholic Church all benevolence finds its expression through ecclesiastical instrumentalities, and the immense possessions of the mediæval establishment had been confided to it largely in its capacity of the universal almoner. In seizing these possessions the State was morally bound to assume the corresponding obligations, but time was required for the adjustment, and the greedy rulers, during the minority of Edward VI., were much more intent upon increasing their acquisitions than in listening to the demands of humanity. By his first Parliament, in 1547, an Act was passed confirming that of 1545, concerning the hospitals, chantries, guilds, &c., under which all remnants that had escaped the rapacity of the late sovereign were placed at the mercy of the Protector Somerset and his colleagues of the Council, who speedily absorbed not only them, but everything that could be stripped from the parish churches.[1] In the preamble of this Act, one of its objects was specified to be the "better provision for the poor and needy," thus recognising the responsibility of the

[1] 1 Edw. VI. c. 14. Dr. Augustus Jessop tells us that "the ring of the miscreants who robbed the monasteries in the reign of Henry the Eighth was the first, but the ring of the robbers who robbed the poor and helpless in the reign of Edward the Sixth was ten times worse than the first. . . . The accumulated wealth of centuries, their houses and lands, their money, their vessels of silver and their vessels of gold, their ancient cups and goblets and salvers, even to their very chairs and tables, were all set down in inventories and catalogues, and all swept into the great robbers' hoard . . . every vestment and chalice, and candlestick and banner, organs and bells, and picture and image and altar and shrine."—"In three years it may be said that almost all the parish churches in England had been looted; before the end of the king's reign there had been a clean sweep of all that was worth stealing from the parish chests, or the church walls, or the church treasuries. In the next generation there were churches by the score that possessed not even a surplice; there were others that had not even a chalice, and others again, in considerable numbers, that were described as 'ruinated.'"—Before the Great Pillage, pp. 39–40, 66 (London 1901).

State to replace the assistance which had been afforded by the Church and the guilds, but Parliament a few weeks earlier had already taken measures, not to relieve the sufferings of the poor, but to repress the vagabondage which had necessarily resulted from the destruction of the monasteries. In this Act the magnitude of the evil is indicated by the rigorously inhuman measures deemed necessary for its abatement. Every able-bodied man, loitering in any place for three days without working or offering to work, was held to be a vagabond; he was to be branded on the breast with a letter V, and be adjudged as a slave for two years to any one who would bring him before a justice of the peace.[1] This substitute for clerical almsgiving was deemed sufficient for the time, and it was not until five years later, in 1552, that a practical effort was made to alleviate the miseries of poverty by a poor-law, the commencement of a series which has since burdened England with ever-increasing weight.[2]

The monastic establishments of Ireland shared the same fate. Rymer[3] gives the text of a commission for the suppression of a nunnery of the diocese of Dublin in 1535. The insubordination of the island, however, rendered it difficult to carry out the measure everywhere, and finally, in 1541, it was accomplished by virtually granting their lands to the native chieftains. These were good Catholics, but they could not resist the temptation. They joined eagerly in grasping the spoil, and the desirable political object was effected of detaching them, for the time, from the foreign alliances with the Catholic powers, which threatened serious evils.[4]

1 1 Edw. VI. c. 3.—Parl. Hist. I. 583.

2 5–6 Edw. VI. cap. 2. For the charitable functions of the guilds destroyed under Edward VI. see J. E. Thorold Rogers, Six Centuries of Work and Wages, II. 346–8.

3 Fœdera, T. XIV. p. 551.

4 Froude, Hist. Engl. IV. 543.

It is a striking proof of Henry's strength of will and intense individuality of character, that, in thus tearing up by the roots the whole system of monachism, he did not yield one jot to the powerful section of his supporters who had pledged themselves to the logical sequence of his acts, the abrogation of sacerdotal celibacy in general. While every reason of policy and statesmanship urged him to grant the privilege of marriage to the secular clergy, whom he forced to transfer to him the allegiance formerly rendered to Rome, while his chief religious advisers at home and his Protestant allies abroad used every endeavour to wring from him this concession, he steadily and persistently refused it to the end, and we can only guess whether his firmness arose from conscientious conviction or from the pride of a controversialist.

Notwithstanding his immovable resolution on this point, his power seemed ineffectual to stay the progress of the new ideas. An assembly held by his order in May 1530, to condemn the heretical doctrines disseminated in certain books, shows how openly the advocates of clerical marriage had promulgated their views while yet Wolsey was prime minister and Henry gloried in the title of Defender of the Faith. Numerous books were denounced in which celibacy was ridiculed, its sanctity disproved, and its evil influences commented upon in the most irreverent manner.[1] These

[1] Thus "An Exposition into the sevenith Chapitre of the firste Epistle to the Corinthians" seems to have been almost entirely devoted to an argument against celibacy, adducing all manner of reasons derived from nature, morality, necessity, and Scripture, and describing forcibly the evils arising from the rule. The author does not hesitate to declare that "Matrimony is as golde, the spirituall estates as dung," and the tenor of his writings may be understood from his triumphant exclamation, after insisting that all the Apostles and their immediate successors were married—"Seeing that ye chose not married men to bishoppes, other Criste must be a foole or unrighteous which so did chose, or you anticristis and deceyvers."

The "Sum of Scripture" was more moderate in its expressions: "Yf a man vowe to lyve chaste and in povertie in a monasterie, than yf he perceyve that in the monastery he lyveth woorse than he did before, as in fornication and theft then he may leve the cloyster and breke his vowe without synne."

Tyndale in "The Obedience of a Cristen Man" is most uncompromising: "Oportet presbyterem ducere uxorem duas ob causas." . . "If thou bind thy

doctrines were sometimes carried into practice, and the orthodox clergy had little ceremony in visiting them with the sharpest penalties of the canons. It was about this time that Stokesley, Bishop of London, condemned to imprisonment for life Thomas Patmore, the incumbent of Hadlam in Hertfordshire, for encouraging his curate to marry and permitting him subsequently to officiate; and the unfortunate man actually lay for three years in gaol, until released by the intercession of Cranmer.[1]

If the reforming polemics were thus bold while Henry was yet orthodox, it may readily be imagined how keenly they watched the progress of his quarrel with the Pope, and how loud became their utterances as he gradually threw off his allegiance to Rome and persecuted all who hesitated to follow in his footsteps. He soon showed, however, that he allowed none to precede him, and that all consciences were to be measured by the royal ell-wand. Thus his proceedings against the Carthusians and Franciscans in 1534 were varied by a proclamation directed against seditious books and priestly marriages. As we have seen, some unions had taken place, and all who had committed the indiscretion were deprived of their functions and reduced to the laity, though the marriages seem to have been recognised as valid. Future transgressions, moreover, were threatened with the royal indignation and further punishment—words of serious import at such a time and under such a monarch.[2]

self to chastitie to obteyn that which Criste purchesed for the, surely soo art thow an infidele."

The "Revelation of Anticriste" carries the war into the enemy's territory in a fashion somewhat savage: "Keping of virginitie and chastite of religion is a devellishe thinge" (Wilkins III. 728–34).

1 Strype, Memorials of Cranmer, Book III. Chapter 34.

2 Wilkins III. 778.—Strype, in his "Memorials of Cranmer," Bk. I. Chap. 18, gives this proclamation as dated November 16, in the 30th year of Henry VIII., which would place it in 1538, and Bishop Wilkins also prints (III. 696) from Harmer's "Specimen of Errors" the same with unimportant variations, as "given this 16th day of November, in the 13th year of our reign," which would place it in 1521.

In spite of all this, the chief advisers of Henry did not scruple to connive at infractions of the proclamation. Both Cranmer and Cromwell favoured the Reformation: the former was himself secretly married, and even ventured to urge the King to reconsider his views on priestly celibacy;[1] while the latter, though, as a layman, without any such personal motive, was disposed to relax the strictness of the rule of celibacy. During the visitation of the monasteries, for instance, the Abbot of Walden had little hesitation in confessing to Ap Rice, the visitor, that he was secretly married, and asked to be secured from molestation. The confidence thus manifested in the friendly disposition of the vicar-general was satisfactorily responded to. Cromwell replied, merely warning him to "use his remedy" without, if possible, causing scandal.[2] A singular petition, addressed to him in 1536 by the secular clergy of the diocese of Bangor, illustrates forcibly both the confidence felt in his intentions and the necessity of the Abbot of Walden's

It is impossible, however, at a time when even the Lutherans of Saxony had scarcely ventured on the innovation, that in England priestly marriage could already have become as common as the proclamation shows it to be. The bull of Leo X., thanking Henry for his refutation of Luther, was dated 4 November, 1521, and we may be sure that the King's zeal for the faith would at such a moment have prompted him to much more stringent measures of repression, if he had ventured at that epoch to invade the sacred precincts of ecclesiastical jurisdiction—a thing he would have been by no means likely to do. The date of 1521 is therefore evidently an error.

For the same reasons I have been forced to reject a discussion in convocation of the same year (Wilkins III. 697), in which the question of sacerdotal marriage was decided triumphantly in the affirmative. The proceedings are evidently those of December 1547, in the first year of Edward VI.

1 Burnet's Collections I. 319.

2 MS. State Paper Office (Froude, III. 65). Ap Rice's report to Cromwell is sufficiently suggestive as to the interior life of the monastic orders to deserve transcription. "As we were of late at Walden, the abbot there being a man of good learning and right sincere judgment, as I examined him alone, showed me secretly, upon stipulation of silence, but only unto you as our judge, that he had contracted matrimony with a certain woman secretly, having present thereat but one trusty witness; because he, not being able, as he said, to contain, though he could not be suffered by the laws of man, saw he might do it lawfully by the laws of God; and for the avoiding of more inconvenience, which before he was provoked unto, he did thus, having confidence in you that this act should not be anything prejudicial unto him."

"remedy" in the immorality which prevailed. There had been a visitation in which the petitioners admit that many of them had been found in fault, and as their women had been consequently taken away, they pray the vicar-general to devise some means by which their consorts may be restored. They do not venture to ask directly for marriage, but decency forbids the supposition that they could openly request Cromwell to authorise a system of concubinage. Nothing can be more humiliating than their confession of the relations existing between themselves, as ministers of Christ, and the flocks entrusted to their spiritual care. After pleading that without women they cannot keep house and exercise hospitality, they add: "We ourselves shall be driven to seek our living at ale-houses and taverns, for mansions upon the benefices and vicarages we have none. *And as for gentlemen and substantial honest men, for fear of inconvenience, knowing our frailty and accustomed liberty, they will in no wise board us in their houses.*"[1]

The tendencies thus exhibited by the King's advisers called forth the remonstrances of the conservatives. In June 1536 the Lower House of Convocation presented a memorial inveighing strongly against the progress of heresy, and among the obnoxious opinions condemned was "That it is preached and taught that all things awght to be in comen and that Priests shuld have wiffes," and they added that books containing heretical opinions were printed "cum privilegio," were openly sold among the people, and

[1] MS. State Paper Office (Froude, III. 372). It is not to be assumed, however, that the clergy were worse than the laity. During the visitation of the monasteries, Thomas Legh, one of the visitors, says, in writing to Cromwell, 22 August, 1536, concerning the region between Coventry and Chester: "For certain of the knights and gentlemen, and most commonly all, liveth so incontinently, having their concubines openly in their houses, with five or six of their children, and putting from them their wives, that all the country therewith be not a little offended, and taketh evil example of them" (Miscellaneous State Papers, London, 1778, I. 21). It perhaps would not be easy to determine the exact responsibility of the clergy for this immorality of their flocks.

were not condemned by those in authority.[1] Possibly it was in consequence of this that in the following November Henry issued a circular letter to his bishops in which he commanded them—"Whereas we be advertised that divers Priests have presumed to marry themselves contrary to the custom of our Church of England, Our Pleasure is, Ye shall make secret enquiry within your Diocess, whether there be any such resiant within the same or not"—and any such offenders who had presumed to continue the performance of their sacred functions were ordered to be reported to him or to be arrested and sent to London.[2] Curiously enough, there is no reference to the subject in the "Articles devised by the Kinges Highnes Majestie to stablyshe Christen Quietnes and Unitie amonge us," issued by Henry in this year.[3]

Notwithstanding the ominous threat in the letter to the bishops, there appears about this period to have been great uncertainty in the public mind respecting the state of the law and the King's intentions. Two letters happen to have been preserved, written within a few days of each other, in June 1537, to Cromwell, which reveal the condition of opinion at the time. One of these complains that the vicar of Mendelsham, in Suffolk, has brought home a wife and children, whom he claims to be lawfully his own, and that it is permitted by the King. Although "thys acte by hym done is in thys countre a monstre, and many do growdge at it," yet, not knowing the King's pleasure, no proceedings can be had, and appeal is therefore made for authority to prosecute, lest "hys ensample wnponnyched shall be occasion for other carnall evyll dysposed prestes to do in lyke manner." The other letter is from an unfortunate priest who had recently married, supposing it to be lawful. The "noyse of the peopull," however, had

1 Strype, Eccles. Memorials, Vol. I. Append. p. 176.
2 Burnet's Collect. I. 362.
3 Formularies of Faith, Oxford, 1856.—Wilkins III. 826.

just informed him that a royal order had commanded the separation of such unions, and he had at once sent his wife to her friends, three-score miles away. He therefore hastens to make his peace, protesting he had sinned through ignorance, though he makes bold to argue that "yf the kyngys grace could have founde yt laufull that prestys mught have byn maryd, they wold have byn to the crowne dubbyll and dubbyll faythefull; furste in love, secondly for fere that the byschoppe of Rome schuld sette yn hys powre unto ther desolacyon." [1]

It is evident from these letters that there was still a genuine popular antipathy to clerical marriage, and yet that the royal supremacy was so firmly established by Henry's ruthless persecutions that this antipathy was held subject to the pleasure of the court, and could at any moment have been dissipated by proclamation. In fact, the only wonder is that any convictions remained in the minds of those who had seen the objects of their profoundest veneration made the sport of avarice and derision. Stately churches torn to pieces, the stone sold to sacrilegious builders, the lead put up at auction to the highest bidder, the consecrated bells cast into cannon, the sacred vessels melted down, the holy relics snatched from the shrines and treated as old bones and offal, the venerated images burned at Smithfield—all this could have left little sentiment of respect for worn-out religious observances in those who watched and saw the sacrilege remain unpunished.

Notwithstanding the reforming influences with which he was surrounded, Henry sternly adhered to the position which he had assumed.[2] When, in 1538, the princes of

[1] Suppression of Monasteries, pp. 160–1.

[2] He made one exception. Nuns professed before the age of 21 were at liberty to marry after the dissolution of their houses, whereat, according to Dr. London, they "be wonderfull gladde . . . and do pray right hartely for the kinges majestie" (Suppression of Monasteries, p. 214).

the Schmalkaldic League offered to place him at its head, and even to alter, if possible, the Augsburg Confession so as to make it a common basis of union for all the elements of opposition to Rome, Henry was well inclined to obtain the political advantages of the position tendered him, but hesitated to accept it until all doctrinal questions should be settled. The three points on which the Germans insisted were the communion in both elements, the worship in the vulgar tongue, and the marriage of the clergy. In the Convocation of that year a series of questions was submitted for decision embracing the contested points, and the clergy decided in favour of celibacy, private masses, and communion in one element.[1] Thus sustained, Henry was firm, and the ambassadors of the League spent two months in conferences with the English bishops and doctors without result. On their departure (5 August, 1538), they addressed him a letter arguing the subjects in debate—the refusal of the cup, private masses, and sacerdotal celibacy—to which Henry replied at some length, defending his position on these topics with no little skill and dexterity, and refusing his assent finally.[2] The reformers, however, did not yet despair, and the royal preachers even ventured occasionally to debate the propriety of clerical marriage freely before him in their sermons, but in vain.[3] An epistle which Melanchthon addressed to him in April 1539, arguing the same questions again, had no better effect.[4]

In the spring of 1539 Henry renewed negotiations with the German princes, and his envoys, in soliciting another visit from deputies of the League, held out some vague promises of his yielding on the point of celibacy. The

1 Strype's Eccles. Memor. I. 320.

2 Burnet I. 254–55; Collect. 332, 347.

3 Nothing has yet been settled concerning the marriage of the clergy, although some persons have very freely preached before the king upon the subject."—John Butler to Conrad Pellican (Froude, III. 381).

4 Burnet, Collect. I. 329.

Germans in turn, to show their earnest desire for union with England, submitted a series of propositions in which they suggested that the marriage of priests might be left to the discretion of the Pope, and that if it were to be prohibited only persons advanced in life should be ordained.[1] Both parties, however, were too firmly set in their opinions for accord to be possible. Notwithstanding any seeming hesitation caused by the policy of the moment, Henry's mind was fully made up, and the consequences of endeavouring to persuade him against his prejudices soon became apparent. Even while the negotiations were in progress he had issued a series of injunctions degrading from the priesthood all married clergy, and threatening with imprisonment and his displeasure all who should thereafter marry.[2] Argumentation confirmed his opinions, and he proceeded to enforce them on his subjects in his own savage manner, "for though on all other points he had set up the doctrines of the Augsburg Confession," yet on these he had committed himself as a controversialist, and the worst passions of polemical authorship—the true "odium theologicum"—acting through his irresponsible despotism, rendered him the cruellest of persecutors. But a few weeks after receiving the letter of Melanchthon, he answered it in cruel fashion.

In May a new Parliament met, chosen under great excitement, for the people were inflamed on the subject of religion, and animosities ran high. The principal object of the session was known to be a settlement of the national Church, and as the reformers were in a minority against the court, the temper of the Houses was not likely to be encouraging for them.[3] On May 5, a week after its

1 Strype's Eccles. Memor. I. 339, 343.

2 Ibid. 344.—Wilkins III. 847.

3 Yet the moderate party ventured to submit to Parliament "A Device for extirpating Heresies among the People," among the suggestions of which was a bill for abolishing ecclesiastical celibacy, legalising all existing marriages, and permitting

assembling, a committee was appointed, at the King's request, to take into consideration the differences of religious opinion. On the 16th, the Duke of Norfolk, who was not a member of the committee, reported that no agreement could be arrived at, and he therefore laid before the House of Lords, for full discussion, articles embracing — 1. Transubstantiation; 2. Communion in both kinds; 3. Vows of Chastity; 4. Private Masses; 5. Sacerdotal Marriages; and 6. Auricular Confession. Cranmer opposed them stoutly, arguing against them for three days, and especially endeavouring to controvert the third and fifth, which enjoined celibacy, but his efforts and those of his friends were vain, when pitted against the known wishes of the King, who himself took an active part in the debate, and argued in favour of the articles with much vigour. Under such circumstances, the adoption of the Six Articles was a foregone conclusion. On May 30 the Chancellor reported that the House had agreed upon them, and that it was the King's pleasure "that some penal statute should be enacted to compel all his subjects who were in any way dissenters or contradicters of these articles to obey them." The framing of such a bill was entrusted to two committees, one under the lead of Cranmer, the other under that of the Archbishop of York, and they were instructed to lay their respective plans before the King within forty-eight hours. Of course the report of the Archbishop of York was adopted. Introduced on June 7, Cranmer again resisted it gallantly, but it passed both Houses by the 14th, and received the royal assent on the 28th. It was entitled "An Act for abolishing Diversity of Opinions in certain Articles concerning Christian Religion," and it stands as a monument of the cruel legislation of a barbarous age.

the clergy in general "to have wives and work for their living"—Rolls House MS. (Froude, III. 381.)

The Third Article was "that Priests after the order of Priesthood might not marry by the Law of God"; the Fourth, "that Vows of Chastity ought to be observed by the Law of God," and those who obstinately preached or disputed against them were adjudged felons, to suffer death without benefit of clergy. Any opposition, either in word or writing, subjected the offender to imprisonment during the King's pleasure, and a repetition of the offence constituted a felony, to be expiated with the life of the culprit. Priestly marriages were declared void, and a priest persisting in living with his wife was to be executed as a felon. Concubinage was punishable with deprivation of benefice and property, and imprisonment, for a first offence; a second lapse was visited with a felon's death, while in all cases the wife or concubine shared the fate of her partner in guilt, Quarterly sessions were provided, to be held by the bishops and other commissioners appointed by the King, for the purpose of enforcing these laws, and the accused were entitled to trial by jury.[1] Vows of chastity were only binding on those who had taken them of their own free will when over twenty-one years of age.[2] According to the Act, the wives of priests were to be put away by

1 Burnet, I. 258–9.—31 Henry VIII. c. xiv. Mr. Froude endeavours to relieve Henry of the responsibility of this measure, and quotes Melanchthon to show that its cruelty is attributable to Gardiner (Hist. Engl. III. 395). He admits, however, that the bill as passed differs but slightly from that presented by the king himself, with whom the committee which framed it must have acted in concert. According to Strype, "The Parliament men said little against this bill, but seemed all unanimous for it; neither did the Lord Chancellor Audley, no, nor the Lord Privy Seal, Cromwel, speak against it: the reason being, no question, because they saw the king so resolved upon it. . . . Nay, at the very same time it passed, he (Cranmer) stayed and protested against it, though the king desired him to go out, since he could not consent to it. Worcester (Latimer) also, as well as Sarum (Shaxton), was committed to prison; and he, as well as the other, resigned up his bishopric upon the act."—(Memorials of Cranmer, Book I. Chap. 19.) This shows us how the royal influence was used. Cranmer, indeed, in his reply to the Devonshire rebels, when in 1549 they demanded the restoration of the Six Articles, expressly asserts "that if the king's majesty himself had not come personally into the Parliament house, those lawes had never passed" (Ibid. App. No. XL.).

2 31 Henry VIII. c. 6 (Parl. Hist. I. 536–40).

June 24, but on that day, as the Act was not yet signed, an order was mercifully made extending the time to July 12.[1]

Cranmer argued, reasonably enough, that it was a great hardship, in the case of the ejected monks, to insist on the observance of the vow of chastity, when those of poverty and obedience were dispensed with, and when the unfortunates had been forcibly deprived of all the advantages, safeguards, and protection of monastic life.[2] The matter, however, was not decided by reason, but by the whimsical perversity of a self-opinionated man, who unfortunately had the power to condense his polemical notions in the blood of his subjects.

To comprehend the full iniquity of this savage measure, we must remember the rapid progress which the new opinions had been making in England for twenty years; the tacit encouragement given them by the suppression of the religious houses, and by the influence of the King's confidential advisers; and the hopes naturally excited by Henry's quarrel with Rome and negotiations with the League of Schmalkalden. In spite, therefore, of the comparatively mild punishments hitherto imposed on priestly marriage, which were no doubt practically almost obsolete, such unions may safely be assumed as numerous. Even Cranmer himself, the primate of Henry's Church,

[1] Parl. Hist. I. 540.

There is a story current that soon after the passage of the Act, the Duke of Norfolk, who had had so much to do with it, on meeting a former chaplain of his named Lawney, jocularly said to him, "Oh, my Lawney" (knowing him of old much to favour priests' matrimony), "whether may priests now have wives or no?" "If it please your grace," replied he, "I cannot well tell whether priests may have wives or no, but well I wot, and am sure of it, for all your Act, that wives will have priests."—Strype's Memorials of Cranmer, book i. chap. viii.

[2] Dr. London chronicles the troubles of this class. "I perceyve many of the other sortt, monkes and chanons, whiche be yonge lustie men, allways fatt fedde, lyving in ydelnes and at rest, be sore perplexide that now being prestes they may nott retorn and marye" (Suppression of Monasteries, p. 215).

Nicander Nucius asserts that many did marry openly—*ἄλλους δὲ γυναῖκὰς ἐννόμως συνεύνους εἰσαγομένους*" (op. cit. p. 71).

was twice married, his second wife, then living, the niece of Osiander, being kept under a decent veil of secrecy in his palace.[1] When, after his fruitless resistance to the Six Articles, the bill was passed, he sent his wife to her friends in Germany, until the death of his master enabled him to bring her back and acknowledge her openly;[2] but vast numbers of unfortunate pastors could not have had the opportunity, and perhaps lacked the self-control, thus to arrange their domestic affairs. Even the gentle Melanchthon was moved from his ordinary equanimity, and ventured to address to his royal correspondent a remonstrance expressing his horror of the cruelty which could condemn to the scaffold a man whose sole guilt consisted in not abandoning the wife to whom he had promised fidelity through good and evil, before God and man—a cruelty which could find no precedent in any code that man had previously dared to frame.[3]

As might be expected, numerous divorces of married priests followed this Draconian legislation, and these divorces were held good by the Act of 1549, which under

[1] His first marriage was entered into while he was still quite young, and before he had taken orders. The second, however, shows that he acted with some independence, for it took place in 1531, before Henry's open rupture with Rome, and while he was ambassador to the Emperor. At that time he was King's chaplain and Archdeacon of Taunton, and his nuptials therefore were plainly an indication of heresy.—Strype's Memorials of Cranmer, book i. chap. iii., book iii. chap. xxvii.

[2] Burnet I. 256–7. It was not until 1543 that he ventured to confess this to the King (Ibid. p. 328). At his trial in 1556 his two marriages were one of the points of accusation against him (Ibid. II. 339).

Saunders, in commenting upon Cranmer's time-serving disposition, which enabled him to accommodate himself to Henry's capricious opinions, and yet to enter fully into the reformatory ideas predominant under Edward VI., does not fail to satirise his connubial propensities. "Unum illud molestissime tamen ferens, quod meretricem quandam suam non poterat palam uxoris loco libere habere, quia id non laturum Henricum sciebat, sed partim domi eam occultare, partim cum foras prodiret, cista quadam ad id affabre facta inclusam, secum una circumferre cogeretur. Iste ergo jam desiit esse Henricianus, et tam ex immatura regis Edouardi ætate quam ex Protectoris in sectas summa propensione, suæ statim simul et libidini et hæresi habenas laxandas statuit; nam et scorto suo mox est publice pro uxore usus, et catechismum Edouardo dedicatum, falsæ impiæque doctrinæ plenum, in lucem edidit."—De Orig. et Prog. Schismatis Anglicani, p. 193 (Ed. 1586).

[3] Melanchthon. Epist. Ed. 1565, p. 34.

Edward VI. granted full liberty in the premises to ecclesiastics.[1] Even Henry, however, began to feel that he had gone too far, and the influence of Cromwell was sufficient to prevent the harshest features of the law from being enforced in all their odious severity, especially as the projected marriage with Ann of Cleeves and the alliance with the German Lutherans rendered active persecution in the highest degree impolitic. When the comedy of Henry's fourth marriage culminated in the tragedy of Cromwell's ruin (June 1540), the reactionary elements again gathered strength. There can be little doubt that the atrocity of the law had greatly interfered with its efficient execution and had aroused popular feeling, for now, although the Vicar-General was removed, the Catholics passed with speedy alacrity a bill moderating the Act of the Six Articles, in so far as it related to marriage and concubinage. For capital punishment was substituted the milder penalty of confiscation to the King of all the property and revenue of the offenders.[2]

The Six Articles, as thus modified,[3] remained the law of England during the concluding years of Henry's reign, nor is it likely that any one ventured to urge upon him seriously a relaxation of the principles to which he had committed himself thus definitely. The fall of Cromwell and the danger to which Cranmer was exposed for several years were sufficient to insure him against troublesome remonstrants, even if his increasing irritability and capriciousness had not made those around him daily more alive

1 2–3 Edw. VI. c. 21 (Parl. Hist. I. 586.)

2 32 Hen. VIII. c. 10.—Burnet I. 282.—Parl. Hist. I. 575.

3 Richard Hilles, writing in 1541 to Henry Bullinger, assumes that this modification of the Six Articles only applied to those who were guilty of incontinence, and that it did not "appear to the King at all extreme still to hang those clergymen who marry or who retain those wives whom they had married previous to the forme statute" (Original Letters, Parker Soc. Pub. p. 205)—but both Burnet and the Par liamentory History make no such distinction, and in the abstract of the bill as printed in the Statutes at Large (I. 281) it is described as applicable to "priests married or unmarried."

to the danger of thwarting or resisting his idlest humour. How little progress, indeed, the Reformation had thus far made in England is shown in a letter written in 1546 by John Hooper, afterwards Bishop of Gloucester and Worcester, during the exile into which he was forced by the Act of the Six Articles: "Our King has destroyed the Pope, but not popery; he has expelled all the monks and nuns, and pulled down their monasteries; he has caused all their possessions to be transferred into his exchequer, and yet they are bound, even the frail female sex, by the King's command, to perpetual chastity. England has at this time at least ten thousand nuns, not one of whom is allowed to marry. The impious Mass, the most shameful celibacy of the clergy, the invocation of saints, auricular confession, superstitious abstinence from meats, and purgatory, were never before held by the people in greater esteem than at the present moment." [1]

On 28 January, 1547, Henry VIII. died, and Edward VI. succeeded to the perilous throne. Not yet ten years of age, his government of course received its direction from those around him, and the rivalry between the Protector Somerset and the Chancellor Wriothesley, Earl of Southampton, threw the former into the hands of the progressives, as the latter was the acknowledged head of the reactionary party. The ruin of Southampton and the triumph of Somerset, strengthened by his successful campaign in Scotland, soon began to develop their natural consequences on the religion of the country. Under the auspices of Cranmer, a Convocation was assembled, which was empowered to decide all questions in controversy. When the primate was anxious to again enjoy the solace of his wife's company and to relieve both her and himself from the stigma of concubinage, it is easy to understand that the subject of celibacy would receive early and appro-

[1] Hooper to Bullinger.—Original Letters, Parker Soc. Pub. p. 36.

priate attention; and so confident were the reformers of success that they did not hesitate to enter into matrimony without waiting for any formal sanction.[1] Accordingly, on 17 December, 1547, a proposition was submitted to the effect that all canons, statutes, laws, decrees, usages, and customs, interfering with or prohibiting marriage, should be abrogated, and it was carried by a vote of 53 to 22. No time was lost. Two days afterwards a bill was introduced in the Commons permitting married men to be priests and to hold benefices. It was received with so much favour that it was read twice the same day, and on the 21st it was sent up to the Lords; but in the Upper House it raised debates so prolonged that, as the members were determined to adjourn before Christmas, it was laid aside. This might be the more readily agreed to, since on the 23rd an Act was approved which abolished numerous severe laws of the former reign, including the statute of the Six Articles, and was immediately followed by another granting the use of the cup to the laity and prohibiting private Masses.[2]

The repeal of the Six Articles left the marriage of the clergy subject to the previous laws of Henry, imposing on it various pains and penalties, but with the votes recorded in Convocation and Parliament, it is not likely that much vigour was displayed in their enforcement. Those interested could thus afford to await the reassembling of the Houses, which did not take place until 24 November, 1548, but they claimed the reward of their patience by an early hearing in the session. On December 3 a bill was intro-

[1] Thus Dr. Parker, afterwards Archbishop of Canterbury, was married on June 24, 1547, within six months after Henry's death, to Margaret, daughter of Robert Harlston of Mattishall. As he had been in priest's orders since 1527, he assumed a liberty which was not even asked of Parliament until nearly eighteen months later (see his autobiographical memoranda in his Correspondence, pp. vii., x., Parker Soc. 1853).

[2] 1 Edw. I. c. 1, 12 (Parl. Hist. I. 582–4).—Wilkins IV. 16.—Burnet II. 40, 41 III. 189.

duced, similar to that of the previous year, rendering married men eligible to the priesthood: it passed second reading on the 5th, and third reading on the 6th. Apparently encouraged by the favourable reception accorded to it, the friends of the measure resolved on demanding further privileges. The bill was therefore laid aside, and on the next day a new one was presented which granted the additional liberty of marriage to those already in orders. It conceded to the established opinions the fact that it were better that the clergy should live chaste and single, yet, "as great filthiness of living had followed on the laws that compelled chastity and prohibited marriage," therefore all laws and canons inhibiting sacerdotal matrimony should be abolished. This bill, after full discussion, was read a second and third time on the 10th and 12th, and was sent up to the Lords on the 13th. Again the Upper House was in no haste to pass it. It lay on the table until 9 February, 1549, when it was stoutly contested, and, after being recommitted, it finally passed on the 19th, with the votes of nine bishops recorded against it.[1]

Cranmer and his friends were now at full liberty to establish the innovation by committing the clergy individually to marriage, and by enlisting the popular feeling in its support. During the discussion they had not been idle. Much controversial writing had occurred on both sides, in which Poynette, afterwards Bishop of Winchester, took an active part, while Bale, Bishop of Ossory, distinguished himself on the same side by raking together all the foul stories that could be collected concerning the celibate clergy—a scandalous material not likely to be lacking in either quantity or quality. Burnet declares that no law passed during the reign of Edward excited more contradiction and censure, and the matrimonialists soon found that, even with the Act of Parliament in their favour, their

[1] 2–3 Edw. VI. c. 21 (Parl. Hist. I. 586).—Burnet II. 88–9.

course was not wholly a smooth one. Cranmer ordered a visitation in his province, and directed as one of the points for inquiry and animadversion, "Whether any do contemn married priests, and, for that they be married, will not receive the Communion or other sacraments at their hands,"[1] which distinctly reveals the difficulties encountered in eradicating the convictions of centuries from the popular mind. Sanders says, and with every appearance of probability, that the Archbishop of York united with Cranmer in ordering a visitation of the whole kingdom, during which the visitors investigated particularly the morals of the clergy, and used every argument to impel them to marriage, not only declaring celibacy to be most dangerous to salvation, but intimating that all who adhered to it would be regarded as papists and enemies of the King.[2] The active interest which Cranmer took in the question is manifested by the fact that when Dr. Richard Smith, who had fled to Scotland in consequence of having endeavoured to stir up a tumult at Oxford against Peter Martyr, desired to make his peace and return, the inducement which he offered to the Archbishop of Canterbury to obtain for him the King's pardon was that he would write a book in favour of priestly marriage, as he had previously done against it.[3]

The reformers speedily found that they were not to escape without opposition. The masses of the people

1 Wilkins IV. 26.—Cardwell's Documentary Annals, I. 59. Wilkins and Cardwell date this in 1547, which is evidently impossible. Burnet (II. 102) alludes to it under 1549, which is much more likely to be correct.

2 Sanderi Schisma Anglic. pp. 214–5.

3 Strype, Memorials of Cranmer, Bk. II. chap. 14.—Smith subsequently at Louvain continued to urge the necessity of celibacy, and was answered by Peter Martyr. Strype calls him a filthy fellow, notorious for lewdness, and his championship of chastity excited some merriment. There is an epigram upon him by Lawrence Humphrey—

"Haud satis affabre tractans fabrilia Smithus
Librum de vita cœlibe composuit
Dumque pudicitiam, dum vota monastica laudat,
Stuprat, sacra notans fœdera conjugii."

(Ibid. Chap. 25.)

throughout England were in a state of discontent. The vast body of abbey lands acquired by the gentry and now enclosed bore hard upon many; the raising of rents showed that secular landlords were less charitable than the ancient proprietors of the soil; the increase of sheep-husbandry threw many farm labourers out of employ;[1] and the savage enactments, already alluded to, against the unfortunate expelled monks show how large an element of influential disaffection was actively at work in the substratum of society. Those priests who disapproved of the rapid Protestantising process adopted by the court could hardly fail to take advantage of opportunities so tempting, and they accordingly fanned the spark into a flame. The enforcement of the new liturgy, on Whitsunday, 1549, seemed the signal of revolt. Numerous risings took place, which were readily quelled, until one in Devonshire assumed alarming proportions. Ten thousand men in arms made demands for relief in religious as well as temporal matters. Lord Russel, unable to meet them in the field, endeavoured to gain time by negotiation, and offered to receive their complaints. These were fifteen in number, of which several demanded the restoration of points of the old religion, and one insisted on the revival of the Six Articles. On their refusal, another set was drawn up, in which not only were the Six Articles called for, but also a special provision enforcing the celibacy of the clergy. This was likewise rejected; but during the delay another rising occurred in Norfolk, reckoned at twenty thousand men, and yet another of less formidable dimensions in Yorkshire. Russel finally scattered the men of Devon, while the Earl of Warwick succeeded in suppressing the

[1] The vast growth of the sheep-farms had long been a subject of complaint. Even as early as 1516, Sir Thomas More describes with indignant energy the misery caused by the ejectment of the agricultural population in order to form enormous sheep-walks, which were found more profitable to the landlords than ordinary farming. He declares that the sheep "tam edaces atque indomitæ esse cœperant, ut homines devorent ipsos, agros, domos, oppida vastent ac depopulentur."—Utopia, Lib. I.

rebels of Norfolk, when the promise of an amnesty caused the Yorkshiremen to disperse.[1]

The question of open resistance thus was settled. Cranmer and his friends had now leisure to consolidate their advantages and organise a system that should be permanent. In 1551, he and Ridley prepared with great care a series of forty-two articles, embodying the faith of the Church of England, which was adopted by the Convocation in 1552, and was ordered to be signed by all men in orders and all candidates for ordination.[2] Burnet speaks of it as bringing the Anglican doctrine and worship to perfection. It remained unaltered during the rest of Edward's reign, and under Elizabeth it was only modified verbally in the recension which resulted in the famous Thirty-nine Articles—the foundation-stone of the Episcopalian edifice. Of these forty-two articles, the thirty-first declared that "Bishops, priests, and deacons are not commanded by God's law to vow the estate of a single life or to abstain from marriage."[3]

The canon law had thus invested the marriage of the clergy with all the sanctity that the union of man and wife could possess. Yet still the deep-seated conviction of the people as to the impropriety of such proceedings remained, troubling the repose of those who had entered into matrimony, and doubtless operating as a restraint upon the numbers of the imitators of Cranmer. Among the interrogatories drawn up by John Hooper for the visitation of his diocese of Gloucester, in 1552, is one which inquires whether any midwife refuses to attend the confinement of women who are married to ministers of the Church[4]—a suggestion which indicates how rooted was the

1 Burnet II. 117–9.

2 Strype's Eccles. Memorials, II. 420.

3 Burnet II. Collect. 217. In the Latin version, "Episcopis, presbyteris et diaconis non est mandatum ut cœlibatum voveant; neque, jure divino coguntur matrimonio abstinere" (Wilkins IV. 76).

4 Strype's Eccles. Memorials, II. 355.

popular aversion from such matches. If Strype's description of the clergy of the period indeed be correct, there was nothing in the character of the body to overcome the popular aversion in consideration of its purity and devotion to its sacred duties.[1] The Act of 1549 had to a certain extent justified these prejudices by admitting the preferableness of a single life in the ministers of Christ, and it was resolved to remove every possible stigma by a solemn declaration of Parliament. A bill was therefore prepared and speedily passed (10 February, 1552), which reveals how strong was the popular opposition, and how uncertain the position of the wives and children of the clergy. It declares "That many took occasion, from the words in the Act formerly made about this matter, to say that it was only permitted, as usury and other unlawful things were, for the avoidance of greater evils, who thereupon spoke slanderously of such marriages, and accounted the children begotten in them to be bastards, to the high dishonour of the King and Parliament, and the learned clergy of the realm, who had determined that the laws against priests' marriages were most unlawful by the law of God; to which they had not only given their assent in the Convocation, but signed it with their hands. These slanders did also occasion that the Word of God was not heard with due reverence." It was therefore enacted "That such marriages made according to the rules prescribed in the Book of Service should be esteemed good and valid, and that the children begot in them should be inheritable according to law."[2]

A still further confirmation of the question was designed in a body of ecclesiastical law which was for several years in preparation by various commissions appointed for the purpose. In this it was proposed to

1 Strype's Eccles. Memorials, II. p. 445.—"Our curate is naught, an Assehead, a Dodipot, a Lack-Latine, and can do nothing."

2 5–6 Edw. VI. c. 12 (Parl. Hist. I. 594).—Burnet II. 192.

make the abrogation of celibacy even more distinctly a matter of faith, for in the second Title among the various heresies condemned is that which, through the suggestion of the Devil, asserts that admission to holy orders takes away the right to marry. This work, however, though completed, had not yet received the royal assent when the death of Edward VI. caused it to pass out of sight until 1571, when it was printed by Foxe and brought to the attention of Parliament, but was laid aside owing to the opposition of Queen Elizabeth.[1]

If the Protestants indulged in any day-dreams as to the permanency of their institutions, they were not long in finding that a change of rulers was destined to cause other changes disastrous to their hopes. Even the funeral of Edward, on the 8th of August, 1553, afforded them a foretaste of what was in store. Although Cranmer insisted that the public ceremonies in Westminster Abbey should be conducted according to the reformed rites, Queen Mary, still resident in the Tower, had private obsequies performed with the Roman ritual, where Gardiner celebrated mortuary Mass in presence of the Queen and some four hundred attendants. When the incense was carried around, after the Gospel, it chanced that the chaplain who bore it was a married man, and the zealous Dr. Weston snatched it from him, exclaiming, "Shamest thou not to do thine office, having a wife as thou hast? The Queen will not be censed by such as thou!"[2]

Trifling as was this incident, it foreboded the wrath to come. Though Mary was not crowned until October 1st, she had issued writs for a Parliament to assemble on the 10th,

1 Reform. Legg. Eccles. Tit. de Hæresibus, cap. xx. (Cardwell's Ed., Oxford, 1850, p. 20).—*Cf.* Tit. de Matrimonio c. ix. (p. 44).

2 Strype's Eccles. Memor. III. 20. This story derives additional piquancy from the fact that this Dr. Weston was somewhat notorious for uncleanness, and was subsequently deprived of the Deanery of Windsor for adultery (Ibid. pp. 111–2).

and as an entire change in the religious institutions of the country was intended, we may not uncharitably believe the assertion that every means of influence and intimidation was employed to secure the return of reactionary members. These efforts were crowned with complete success. The Houses had not sat for three weeks, when a bill was sent down from the Lords repealing all the Acts of Edward's reign concerning religion, including specifically those which permitted the marriage of priests and legitimated their offspring; and after a debate of six days it passed the Commons.[1]

The effect of this was, of course, to revive the statute of the Six Articles, and to place all married priests at the mercy of the Queen; and as soon as she felt that she could safely exercise her power, she brought it to bear upon the offenders. A day or two after the dissolution of Parliament she commenced by issuing a proclamation inhibiting married priests from officiating.[2] The Spanish marriage being agreed upon and the resultant insurrection of Sir Thomas Wyatt being suppressed, Mary recognised her own strength, and her Romanising tendencies, which had previously been somewhat restrained, became openly manifested. On the 4th of March 1554 she issued a letter to her bishops, of which the object was to restore the condition of affairs under Henry VIII., except that the royal prerogatives as head of the Church were expressly disavowed. It contained eighteen articles, to be strictly enforced throughout all dioceses. Of these the seventh ordered that the bishops should by summary process remove and deprive all priests who had been married or had lived scandalously, sequestrating their revenues during the proceedings. Article VIII. provided that widowers, or those who promised to live in the strictest chastity,

[1] 1 Mary c. 2 (Parl. Hist. I. 609–10).—Burnet II. 255.
[2] Strype's Eccles. Memorials, III. 52.

should be treated with leniency, and receive livings at some distance from their previous abode, being properly supported meanwhile; while Article IX. directed that those who suffered deprivation should not on that account be allowed to live with their wives, and that due punishment should be inflicted for all contumacy.[1]

No time was lost in carrying out these regulations. By the 9th of the same month a commission was already in session at York, which cited the clergy to appear before it on the 12th. From an appeal which is extant, by one Simon Pope, rector of Warmington, it appears that men were deprived without citation or opportunity for defence;[2] and that this was not infrequent is probable from the proceedings commenced against offenders of the highest class, designed and well fitted to strike terror into the hearts of the humbler parsons. On the 16th a commission was issued to the Bishops of Winchester (Stephen Gardiner), London (Bonner), Durham, St. Asaph's, Chichester, and Llandaff, to investigate the cases of the Archbishop of York and the Bishops of St. Davids, Chester, and Bristol, who, according to report, had given a most pernicious example by taking wives, in contempt of God, to the damage of their own souls, and to the scandal of all men. Any three of the commissioners were empowered to summon the accused before them, and to ascertain the truth of the

1 Burnet II. Append. 264. According to Strype, Bonner's impatience did not wait for the royal injunctions, for in February he deprived of their livings all the married priests in his diocese of London, and commanded them to bring all their wives within a fortnight, in order that they might be divorced.—Memorials of Cranmer, Bk. III. chap. 8.

Julius III. issued a bull, 8 March, 1554, defining Cardinal Pole's legatine powers, among which was that of removing the excommunication from married clerks and legitimating their children, the fathers being removed from function and benefice, separated from their wives, and subjected to penance (Cardwell's Documentary Annals, I. 131). This was the course adopted for a time, but as the kingdom was not yet formally reconciled to Rome, the action had was under the local authorities.

2 Strype's Eccles. Memor. III. Append. 33.—In the same place (p. 31) may be found a copy of the summons served upon offenders of this class.

report without legal delays or unnecessary circumlocution. If it were found correct, then they were authorised to remove the offenders at once and for ever from their dignities, and also to impose penance at discretion. This was scant measure of justice, considering that the marriage of these prelates had been contracted under sanction of law, and, if that law had recently been repealed, that at least the option of conforming to the new order of things could not decently be denied; yet even this mockery of a trial was apparently withheld, for the *congé d'élire* for their successors is dated March 18th, only two days after the commission was appointed.[1] Neither party, in fact, had much ceremony in dealing with bishops. Five had been deprived under Edward VI.; under Mary there were fourteen deprivations, and under Elizabeth fifteen.[2]

During the summer the bishops went on their visitations. The articles prepared by Bonner for his diocese are extant, among which we find directions to inquire particularly of the people whether their pastors are married, and, if separated, whether any communication or intercourse takes place between them and their wives; also whether any one, lay or clerical, ventures to defend sacerdotal matrimony.[3] Few of the weaker brethren could escape an inquisition so searching as this, and though some controversy arose, and a few tracts were printed in defence of priestly marriage,[4] such men as Bonner were not

1 Burnet II. 275 and Append. 256.—Rymer (T. XV. pp. 376–77) gives a similar commission dated March 9, issued to Stephen Gardiner to eject the canons and prebendaries of Westminster in the same summary manner. The proceedings throughout England were doubtless framed on these models.

2 W. H. Frere, The Marian Reaction in its relation to the English Clergy, p. 24 (London, 1896).

Bishop Bird, of Chester, who was deprived March 20, 1554, repudiated his wife, became vicar of Dunmow, and then suffragan of Bishop Bonner, of London.—Ibid. p. 23.

3 Burnet II. Append. 260.

4 Bishop Poynette wrote a book entitled "An Apologie on the Godly Marriadge of Priestes," in rejoinder to Martin's "Traictise declaryng and plainly prouying that the pretensed marriage of priestes and professed persones is no marriage,"

likely to shrink from the thorough prosecution of the work which whey had undertaken.

When the Convocation assembled in this year, it was therefore to be expected that only orthodox opinions would find expression. Accordingly, the Lower House presented to the bishops an humble petition praying for the restoration of the old usages, among the points of which are requests that married priests be forcibly separated from their wives, and that those who endeavour to abandon their order be subjected to special animadversion. This clause shows that many unfortunates preferred to give up their positions and lose the means of livelihood, rather than quit the wives to whom they had sworn fidelity, demanding, as we shall see, much subsequent conflicting legislation. The social complications resulting from the change of religion are also indicated in the request that married nuns may be divorced, and that the pretended wives of priests have full liberty to marry again.

Everything being thus prepared, the purification of the Church from married heretics was prosecuted with vigour. Archbishop Parker states that there were in England some 16,000 clergymen, of whom 12,000 were deprived on this account, many of them most summarily; some on common report, without trial, others without being summoned to appear before their judges, and others again while lying in jail for not obeying the summons. Some renounced their wives, and were yet deprived, while those who were deprived were also, as we have seen, forced to part with their wives. We can readily believe that the most ordinary forms of justice were set aside, in view of the illegal and indecorous haste of the proceedings against the married bishops described above, but Parker's estimate of the

which was a reply to Poynette's previous work. Bale also issued a bitter attack on Bonner's Articles (Cardwell's Documentary Annals, I. 135), and Dr. Parker, afterwards Archbishop of Canterbury, published a voluminous rejoinder to Martin.

1 Wilkins IV. 96–7.

number of sufferers is greatly exaggerated. According to the latest investigator, Mr. Frere, the number of beneficed clergy deprived in London was 150, to whom perhaps about half as many unbeneficed may be added. At Canterbury, where the records seem complete, the number was 68; in Norfolk, 343. The registers elsewhere are mostly too imperfect to allow of satisfactory estimates, but the general conclusion is drawn that throughout the kingdom about one in every five or six beneficed priests was deprived, substantially all for marriage, and of these a certain proportion succeeded in being reconciled and restored.[1] It is probable, therefore, that the list throughout England would not exceed three thousand; but this is sufficient to indicate that the privilege of wedlock had been embraced with considerable eagerness.

The proceedings in the case of John Turner, rector of St. Leonard's, London, would seem to show that the extremity of humiliation was inflicted on these unfortunates. Cited on March 16 to answer to the charge of being a married man, he confessed the accusation, and we find him on March 19 condemned to lose his benefice and be suspended from all priestly functions, to be divorced from his wife, and to undergo such further punishment as the canons required. The sentence of divorce soon followed, and on May 14 he was obliged to do penance in his late church in Eastcheap, holding a lighted candle in his hand and solemnly declaring to the assembled congregation —"Good people, I am come hither, at this present time,

1 Burnet II. 276; III. 225–6.—Frere, op. cit., pp. 47, 49, 53, 77, 78.

A specimen of the form of restitution subscribed by those who were restored on profession of amendment and repentance has been preserved: "Whereas . . . I the said Robert do now lament and bewail my life past, and the offence by me committed; intending firmly by God's grace hereafter to lead a pure, chaste, and continent life . . . and do here before my competent judge and ordinary most humbly require absolution of and from all such censures and pains of the laws as by my said offence and ungodly behaviour I have incurred and deserved: promising firmly . . . never to return to the said Agnes Staunton as to my wife or concubine," &c.—(Wilkins IV. 104.)

to declare unto you my sorrowful and penitent heart, for that, being a priest, I have presumed to marry one Amy German, widow; and, under pretence of that matrimony, contrary to the canons and custom of the Universal Church, have kept her as my wife, and lived contrary to the canons and ordinances of the Church, and to the evil example of good Christian people; whereby now, being ashamed of my former wicked living here, I ask Almighty God mercy and forgiveness, and the whole Church, and am sorry and penitent even from the bottom of my heart therefor. And in token hereof, I am here, as you see, to declare and show unto you my repentance: that before God, on the latter day, you may testify with me of the same. And I most heartily and humbly pray and desire you all, whom by this evil example doing I have greatly offended, that for your part you will forgive me, and remember me in your prayers, that God may give me grace, that hereafter I may live a continent life, according to His laws and the godly ordinances of our mother the holy Catholic Church, through and by His grace. And do here, before you all, openly promise for to do during my life." [1] Such scenes as these were well calculated to produce the effect desired upon the people, but we can only guess at the terrorism which was requisite to force educated and respectable men to submit to such degradation.

All this was done by the royal authority wielding the ecclesiastical power usurped by Henry VIII. Strictly speaking, it was highly irregular and uncanonical, but as the papal supremacy was yet in abeyance, it could not be accomplished otherwise. At last, however, the kingdom was ripe for reconciliation with Rome. In calling the Parliament of 1554, the Queen issued a circular letter to

[1] Strype's Memorials of Cranmer, Bk. III. chap. 8.—Nov. 14, 1554, we find a record of four priests doing penance in white shirts and holding candles at Paul's Cross, London, while Harpsfield preached a sermon.—Strype's Eccles. Memor. III. 203.

the sheriffs commanding them to admonish the people to return members "of the wise, grave, and Catholic sort."[1] Her wishes were fulfilled, and ere the year was out Cardinal Pole was installed with full legatine powers, and Julius III. had issued his bull of indulgence, reuniting England to the Church from which she had been violently severed.[2] An obedient Parliament lost no time in repealing all statutes adverse to the claims of the Holy See, but its subserviency had limits, and one class largely interested in the reforms of Henry had sufficient influence to maintain its heretical rights. The Church lands granted or sold to laymen were not restored. Indeed, the Queen, in her call for the Parliament, had felt it necessary to contradict the rumour that she and Philip intended the "alteration of any particular man's possessions." Though the transactions by which they had been acquired were wholly illegal, though no duration of possession could bar the imprescriptible rights of the Church, yet the nobles and country gentlemen enriched by the spoliation were too numerous and powerful, and the reclamation of the kingdom was too important, to incur any peril by unseasonably insisting on reparation for Henry's injustice. The abbatial manors and rich priories, the chantries, hospitals, and colleges, were therefore left in the impious hands of those who had been fortunate enough to secure them,[3] and the miserable remnants of the religious orders were left to the conscience of the Queen, who made haste to get rid of

1 Parl. Hist. I. 616.

2 The bull is dated 24 December, 1554 (Wilkins IV. 111).—Parliament repealed the attainder of Cardinal Pole, November 22, and on the 24th he arrived in London as legate (Burnet II. 261–2).

3 1 and 2 Phil. and Mary c. 8 (Parl. Hist. I. 624). The title of the bill shows that, though the Parliament was almost exclusively Catholic, it was disposed to make its obedience to Rome the price for obtaining confirmation of the abbey lands —"A Bill for repealing all statutes, articles, and provisoes made against the See Apostolique of Rome, since the 20th of Henry VIII., and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity."

such fragments of the spoil as had been retained by the Crown.[1]

Whatever tacit understanding there may have been on this delicate subject between Queen Mary and Pope Julius was not assented to by the imperious Caraffa, who shortly afterwards ascended the chair of St. Peter. Elected 23 May, 1555, he lost no time in proclaiming the imprescriptible rights of the Church, and by his bull "injunctum nobis," issued June 21, he pronounced null and void "de apostolicæ potestatis plenitudine" all transactions by which ecclesiastical possessions had passed into the hands of laymen, who were duly threatened with excommunication for prolonged attempts to hold their unhallowed acquisitions.[2] The effort of course was fruitless, but the spirit in which the English Protestants watched the apparent opening of a breach between England and Rome is well expressed in a letter of 23 August, 1555, from Sir Richard Morrison to Henry Bullinger: "This anti-Paul, Paul of the apostasy, the servant of the devil, this antichrist newly created at Rome, thinks it but a very small plunder that is offered to him, that he is again permitted in England to tyrannise over our consciences, unless the revenues be restored to the monasteries, that is, the pigsties; the patrimony, as he calls it, of the souls that are now serving in the filth of purgatory. Our ambassadors, who went to Rome for the purpose of bringing back the wolf upon the sheep of Christ, are now with the Emperor, and bring us these demands of the chief pontiff: God grant that he may urge them in every possible way."[3] The hopes of the reformers, however, were disappointed, for Paul IV. gave way, and on the reassembling of Parliament, 23 October, 1555, a bull was read by which the

1 2 and 3 Phil. and Mary, c. 4 (Parl. Hist. pp. 626–8).
2 Mag. Bull. Roman. T. I. p. 809.
3 Original Letters, Parker Soc. Pub. p. 149.

Pope assented to the arrangement agreed to by Cardinal Pole, confirming the Church lands to their new possessors.[1]

Cardinal Pole, indeed, was not remiss in giving the sanction of the papal authority to all that had been done. Convoking a synod, he issued in 1555 his Legatine Constitutions, by which all marriages of those included in the prohibited orders were declared null and void. Such apostates were ordered to be separated by ecclesiastical censures and by whatever legal processes might be required; all who dared to justify such marriages or to remain obstinately in their unholy bonds were to be prosecuted rigorously and punished according to the ancient canons, which were revived and declared to be in full force in order to prevent similar scandals for the future.[2] As the Queen by special warrant had decreed that all canons adopted by synods should have the full effect of laws binding on the clergy, these constitutions at once restored matters to their pristine condition. It was doubtless in order to mark in the most conspicuous manner his detestation of clerical marriage that Pole descended to the pettiness of ordering the body of Peter Martyr's wife to be dug up from its resting-place, near the tomb of St. Frideswide in Christ's Church, Oxford, and to be buried in a dunghill.[3]

It was easy to pass decrees; it was doubtless gratifying to eject married priests by the thousand and to grant their livings to hungry reactionaries or to the crowd of needy

1 Parl Hist. I. 626; II. 342.

2 Card. Poli Constit. Legat. Decret. v. (Wilkins IV. 800).

3 Strype's Parker, Book II. chap. vi. In 1561 the remains were exhumed from the stables of Dr. Marshall, the previous dean of Christ's Church, and reburied in the church, the precaution being taken of mingling them with the bones of St. Frideswide, so as to prevent any future profanation in case of another revolution of religion. The affair excited considerable attention at the time, and produced the following epigram:

"Femineum sexum Romani semper amarunt:
Projiciunt corpus cur muliebre foras?
Hoc si tu quæras, facilis responsio danda est:
Corpora non curant mortua, viva petunt."

Churchmen whom Italy had ever ready to supply the spiritual wants and collect the tithes of the faithful. All this was readily accomplished, but the difficulty lay in overcoming the eternal instincts of human nature. The struggle to effect this commenced at once.

It was, indeed, hardly to be expected that those who had entered into matrimony with the full conviction of its sanctity would willingly abandon all intercourse with their wives, although they might yield a forced assent to the pressure of the laws, the prospect of poverty, and the certainty of infamous punishment. Accordingly, we find that the necessity at once arose of watching the "reconciled" priests, who continued to do in secret what they could no longer practise openly. Some, indeed, found the restrictions so onerous that they endeavoured to release themselves from the bonds of the Church rather than to submit longer to the separation from their wives; and this apparently threatened so great a dearth in the ranks of the clergy that Cardinal Pole, as Archbishop of Canterbury, in 1556 forbade the withdrawal of any one from the mysteries and functions of the altar, under pain of the law.[1]

Notwithstanding all this legislation, royal, parliamentary, and ecclesiastical, the question refused to settle itself, and the Convocation which assembled on the 1st of January 1557 was obliged to publish an elaborate series of articles, which demonstrated that previous enactments had either not been properly observed, or that they had failed in effecting their purpose. Thus the prohibition of marriage to those in priests' orders was formally renewed. Such of the married clergy, who had undergone penance and had been restored, as still persisted in holding inter-

[1] "That none of those priests that were, under the pretence of lawfull matrimony, married, and now reconciled, do privilie resorte to their pretensed wives, or suffer the same to resorte unto them. And that those priests do in no wise henceforth withdrawe themselves from the mynisterie and office of priesthodde under the paine of the lawes"—Pole's Injunctions in Diocese of Gloucester (Wilkins IV. 146).

course with their separated wives, were to be deprived irrevocably of their office, and only to be admitted to lay communion—thus reversing the policy of Cardinal Pole's injunctions. As all priests who had been married were obnoxious to the people, they were to be removed from the priesthood; or at least, on account of the scarcity of ministers, to act only as curates, and to be incapable of holding benefices until a proper course of penance should have washed away their sins. Even then, in no case were they to officiate in the dioceses wherein they had been married, but were to be removed to a distance of at least sixty miles; and if detected in any intercourse with their wives, they were to incur severe punishment, a single interchange of words being sufficient to call down the penalty. To ensure the observance of these rules, all synods were directed to make special inquiry into the lives of these unfortunates, who were thus to exist under a perpetual surveillance, at the mercy of inimical spies and informers.[1] This may, perhaps, be considered a moderate expiation for men who, in those days of fierce religious convictions, possessed that flexibility of faith which enabled them to change their belief with every dynastic accident.

If the rigid rules now introduced were successful in nothing else, they at all events succeeded in restoring the old troubles with the old canons. Denied the lawful gratification of human instincts, the clergy immediately returned to the habits which had acquired for them so much odium in times past, and the rulers of the Church at once found themselves embarked in the sempiternal struggle with immorality in all its shapes and disguises.

[1] Wilkins IV. 157. Thus in the visitation of the diocese of Lincoln, the vicar of Spaldwick was presented for scandalising his flock by carrying in his arms his child by a wife from whom he had been separated. At the same time a priest of Caisho named Nix was subjected to penance for consorting with his former wife, but was permitted to resume his functions.—Strype's Eccles. Memor. III. 293.

If the scandalous chronicles of the period be worthy of credit, neither Gardiner nor Bonner, nor other active promoters of the canons, were without the visible evidences of the frailty of the flesh;[1] and though they were above the reach of correction, the minor clergy were not so fortunate. The Convocation of 1557, which issued the stringent regulations just quoted, was also obliged to promulgate articles concerning the residence of women with priests, and the punishment of licentiousness, similar to those which we have seen reproduced so regularly for ten centuries. Cardinal Pole, too, in his visitation of the same year, directed inquiries to be made on these points in a manner which shows that they were existing and not merely anticipated evils.[2]

Fortunately for the character of the Anglican clergy, the reign of reaction was short. On 17 November, 1558, Queen Mary closed her unhappy life, and Cardinal Pole followed her within sixteen hours. The Marian persecution had been long enough and sharp enough to give to heresy all the attractions of martyrdom, thus increasing its fervour and enlarging its circle of earnest disciples; and the sudden termination of that persecution, before it had time to accomplish its work of extirpation, left the reformers more zealous and dangerous than ever. Heresy had likewise been favoured by the discontent of the people arising from the disastrous and expensive war with France, which aided the improvident restoration of the Church lands in impoverishing the exchequer and in rendering necessary heavy subsidies from the nation, repaid only by cruelty and misfortune. Dread of Spanish influence also had a firm hold of the imagination of the masses, while the Church itself was especially unpopular, as the

1 Strype's Eccles. Memor. III. 111–12.
2 Wilkins IV. 169.

conviction was general that the ill-success of Mary's administration was attributable to the control exercised by ecclesiastics over the public affairs. Under such auspices the royal power passed into the hands of a princess who, though by nature leaning to the Catholic faith and disposed to tread in the footsteps of her father, was yet placed by the circumstances of her birth in implacable hostility to Rome, and who held her throne only on the tenure of waging eternal warfare with reaction. The reformers felt that the doom of Catholicism was sealed. Emerging from their hiding-places and hastening back from exile, the religious refugees proceeded at once to practise the rites of Edward VI. Elizabeth, however, after ordering some changes in the Roman observances, forbade, on December 27, all further innovations until the meeting of Parliament, which was convoked for 23 January, 1559.

Parliament assembled on the appointed day, and sat until May 8. It at once passed Acts resuming the ecclesiastical crown lands and restoring the royal supremacy in ecclesiastical matters, and it repealed all of Mary's legislation concerning the power of the papacy. Several other bills were adopted modifying the religion of the kingdom, with a view of discovering some middle term which should unite the people in a common form of belief and worship.[1] Anxious to avoid all extremes, it negatived the measures introduced by the ardent friends of the Reformation, and among the unsuccessful attempts was one which proposed to restore all priests who had been deprived on account of marriage. This, indeed, was laid aside by the special command of the Queen herself.[2]

The question of clerical marriage was thus left in a most perplexed and unsatisfactory condition. The Six Articles

[1] 1 Eliz. c. 1, 2, 4 (Parl. Hist. I. 646–76).
[2] Burnet, II. 386–95.

had been repealed by Edward VI., and had been virtually revived by Mary; but Mary's efforts had been to restore the independent jurisdiction of the Church, and she had therefore not continued to regard the Six Articles as in force, the canons of synods and the legatine constitutions of Pole being the law of her ecclesiastical establishment. This was now all swept away; a statute to fill the void was refused, and men were left to draw their own deductions and act at their own peril. Elizabeth refused the sanction of law to sacerdotal marriage, and would not restore the deprived priests, yet she did not enforce any prohibitory regulations, and even promoted many married men. Dr. Parker, the religious adviser of Ann Boleyn, who had left him in charge of her daughter's spiritual education, was married, and one of Elizabeth's earliest acts was to nominate him for the vacant primacy of Canterbury, which after long resistance he was forced to accept. The uncertainty of the situation and the anxiety of those interested are well illustrated by a letter to Dr. Parker, dated April 30, just before the rising of Parliament, from Dr. Sandys, afterwards Bishop of Worcester: "The bill is in hand to restore men to their livings; how it will speed I know not . . . Nihil est statutum de conjugio sacerdotum, sed tanquam relictum in medio. Lever was married now of late. The Queen's majesty will wink at it, but not stablish it by law, which is nothing else but to bastard our children."[1] In this Dr. Sandys spoke

[1] Parker's Correspondence, p. 66.—Sanders does not fail to make the most of this refusal to legalise priestly marriage by Act of Parliament, and of the hesitation which rendered the final decision a mere toleration and not an approval. "Clerus enim in Anglia novus, partim ex apostatis nostris, partim ex hominibus mere laicis factus, ut est valde spiritualis, primo quoque tempore de nuptiis cogitabat; multumque sategit, ut conjugia Episcoporum Canonicorum et cæterorum ministorum legibus approbarentur; sed obtineri non potuit, quia vel turpe videbatur ministerio, vel reipublicæ perniciosum. Edovardus quidem sextus omnes canonicas et humanas prohibitiones circa clericorum aut etiam religiosorum connubia lege comitiali seu parlamentaria sustulerat; eam legem mox abrogavit Maria, nunc restituendam ac renovandam clamitant isti, sed non exaudiuntur: omnes tamen per totum fere regnum quia de dono [castitatis] (ut loquuntur) non sunt certi

nothing but truth, and those who were married were obliged formally to have their children legitimated, as even Dr. Parker found it necessary to do this in the case of his son Matthew.[1]

At length Elizabeth made up her mind, and in the exercise of her royal supremacy she asked for no Act of Parliament to confirm her decree. Archbishop Parker has the credit of being the most efficient agent in overcoming her repugnance to the measure, and the ungracious manner in which she finally accorded the permission shows how strong were the prejudices which he had to encounter. In June 1559 she issued a series of "Injunctions to the Clergy and Laity" which restored the national religion to nearly the same position as that adopted by Edward VI., and it is curious to observe that when she comes to speak of sacerdotal matrimony she carefully avoids the responsibility of sanctioning it herself, but assumes that the law of Edward is still in force. All that she does, therefore, is to surround it with such limitations and restrictions as shall prevent its abuse, and although this form had perhaps the advantage of establishing the legality of all pre-existing marriages, yet the regulations promulgated were degrading in the highest degree, and the reason assigned for permitting it could only be regarded as affixing a stigma on every pastor who confessed the weakness of his flesh by seeking a wife.[2]

non secundum leges, sed secundum indulgentiam ; vel (ut illi dicunt) secundum scripturas, sed ad libidinem suam compositas, ineunt prima, secunda, vel etiam tertia conjugia, contra canones et morem non solum Latinorum sed etiam Græcorum; et prole ita abundant, ut ad illam sustentandam opibusque augendam, et populus supra modum gravetur, et ipsi misere beneficia sua expilent."—(De Schismate Anglicano, Lib. III. Ingoldstatii, 1586, p. 299.)

[1] Strype's Annals, I. 81.

[2] Royal Injunctions of 1559, Art. XXXIX. "Although there be no prohibition by the word of God, nor any example of the primitive Church, but that the priests and ministers of the Church may lawfully, for the avoiding of fornication, have an honest and sober wife, and that for the same purpose the same was by Act of Parliament in the time of our dear brother King Edward the Sixth made lawful, whereupon a great number of the clergy of this realm were married and so continue; yet, because

From the temper of these regulations it is manifest that if Elizabeth yielded to the advice of her counsellors and to the pressure of the times, she did not give up her private convictions or prejudices, and that she desired to make the marriage of her clergy as unpopular and disagreeable as possible. It was probably for the purpose of meeting her objections that the order for a return of the clergy, issued by Archbishop Parker, 1 October, 1561, contained in the blanks issued the unusual entry classifying them as married or unmarried,[1] and Strype informs us that in the Archdeaconry of London the returns show the ministry for the most part to have been filled with married men.[2] Even the haughty spirit of the Tudor thus could not restrain the progress which had now fairly set in. Those around her who controlled the public affairs were all committed to the Reformation, and were resolved that every point gained should be made secure. When,

there hath grown offence and some slander to the Church, by lack of discreet and sober behaviour in many ministers of the Church, both in chusing of their wives and undiscreet living with them, the remedy whereof is necessary to be sought; it is thought therefore very necessary that no manner of priest or deacon shall hereafter take to his wife any manner of woman without the advice and allowance first had upon good examination by the bishop of the same diocese and two justices of the peace of the same shire dwelling next to the place where the same woman hath made her most abode before her marriage; nor without the goodwill of the parents of the said woman if she have any living, or two of the next of her kinsfolks, or for lack of the knowledge of such, of her master or mistress where she serveth. And before she shall be contracted in any place, he shall make a good and certain proof thereof to the minister or to the congregation assembled for that purpose, which shall be upon some holyday where divers may be present. And if any shall do otherwise, that then they shall not be permitted to minister either the word or the sacraments of the Church, nor shall be capable of any ecclesiastical benefice. And for the marriages of any bishops, the same shall be allowed and approved by the metropolitan of the province and also by such commissioners as the Queen's Majesty thereunto shall appoint. And if any master or dean or any head of any college shall purpose to marry, the same shall not be allowed but by such to whom the visitation of the same doth properly belong, who shall in any wise provide that the same turn not to the hindrance of their house."—(Wilkins IV. 186.)

See also a letter of Theodore Beza, Zurich Letters, p. 247 (Parker Soc. Publications).

[1] Cardwell's Documentary Annals, I. 309.

[2] Strype's Parker, Book II. chap. v.—In 1569 the returns for the Archdeaconry of Canterbury show 135 married clergymen to 34 licensed preachers, and there is no mention of any unmarried men (Ibid. III. xxiv.).

therefore, in 1563, there was published a recension of the Forty-two Articles issued by Edward VI. in 1552, resulting in the well-known Thirty-nine Articles of the Church of England, care was taken that the one relating to the liberty of marriage should be made more emphatic than before. Not content with the simple proposition of the original that "Bishops, priests, and deacons are not commanded by God's law either to vow the estate of a single life, or to abstain from marriage," the emphatic corollary was added, "Therefore it is lawful for them as for all other Christian men to marry at their own discretion, as they shall judge the same to serve better to godliness"[1]—such as we find it preserved to the present day. This specific declaration in a special article marks the necessity which was felt to place the matter beyond controversy, as a rule of practice. The articles on justification and works of supererogation (Arts xi. and xix.) would have sufficed, so far as principle was concerned.

This was not an empty form. Not only the right to marry at their own discretion, thus expressly declared, did much to relieve them from the degrading conditions laid down by the Queen, but the revival and strengthening of the article marked a victory gained over the reaction. When in 1559 the Queen appointed a commission to visit all the churches of England and enforce compliance with the order of things then existing, the articles prepared for its guidance enjoin no investigation into opinions respecting priestly marriage, showing that to be an open question, concerning which every man might hold his private belief.[2] After the adoption of the Thirty-nine Articles, however, this latitude was no longer allowed. In

[1] In the English version, as given by Burnet (Vol. II. Append. 217), there are 42 articles, of which this is the 31st. In the Latin edition (Wilkins IV. 236), there are but 39 articles, this being the 32nd, which is the arrangement according to the standard of the Anglican Church.

[2] Wilkins IV. 189–91.—This commission was the commencement of the Court of High Commission, which played so lamentable a part in the troubles of the succeeding

1567 Archbishop Parker's articles of instruction for the visitation of that year enumerate, among the heretical doctrines to be inquired after, the assertion that the Word of God commands abstinence from marriage on the part of ministers of the Church.[1] As we shall see, it was about the same time that the Council of Trent likewise erected the question of clerical marriage into a point of belief.

Yet Elizabeth never overcame her repugnance to the marriage of the clergy, nor is it, perhaps, to be wondered at when we consider the contempt in which she held the Church of which she was the head,[2] and her general aversion from sanctioning in others the matrimony which she was herself always toying with and never contracting. When she made her favourites of both sexes suffer for any legalised indiscretions of the kind, it is scarcely surprising that she always looked with disfavour on those of the clergy who availed themselves of the privilege which circumstances had extorted from her, and which she would fain have withheld. When Archbishop Parker ventured to remonstrate with her on her popish tendencies, she sharply told him that "she repented of having made any married bishops." This was a cutting rejoinder, but even more pointed was the insolence from which his life-long services could not protect his wife. The first time the Queen visited the archiepiscopal palace, on her departure she turned to thank Mrs. Parker: "And you—madam I may not call you, mistress I am ashamed to call you, so I

reigns. The result of its visitation in 1559 shows how little real conviction existed among the clergy who had been exposed to the capricious persecutions of alternating rulers. Out of 9400 beneficiaries in England under Mary, but 14 bishops, 6 abbots, 12 deans, 12 archdeacons, 15 heads of colleges, 50 prebendaries, and 80 rectors of parishes had abandoned their preferment on account of Protestantism (Burnet Vol. II. Append. 217), and of these it is fair to assume that the higher dignitaries at least had not been allowed to retain their positions.

[1] Wilkins IV. 253.—Strype's Parker, App. liii.

[2] In 1576 she declared to Grindal, then Archbishop of Canterbury, "that it was good for the Church to have few preachers, and that three or four might suffice for a county; and that the reading of the Homilies to the people was enough."—Strype's Life of Grindal, p. 221.—See also Strype's Parker, Book II. chap. xx.

know not what to call you—but, howsoever, I thank you."[1] So, in Ipswich, in August 1561, she found great fault with the marriage of the clergy, and especially with the number of wives and children in cathedrals and colleges—a feeling possibly justified by occasional disorders not unlikely to occur. In 1563 we find Sir John Bourne complaining to the Privy Council that the Dean and Chapter of Worcester had broken up the large organ, the pride of the cathedral, which had cost £200; the metal pipes whereof were melted into dishes and divided among the wives of the prebendaries, and the case used to make bedsteads for them; the copes and ornaments, he added, would likewise have been distributed had not some of the unmarried men prevented it, "and as by their Habit and Apparel you might know the Priests wives, and by their Gate in the Market and the Streets from an hundred other Women: so in the Congregation and Cathedral Church they were easy to be known by placing themselves above all other of the most ancient and honest Calling of the said City."[2] There was no lack of persons to pour such stories into the Queen's ear, and, with her well-known tendencies, it is no wonder that her counsellors found it difficult to restrain her to the simple order which she issued from Ipswich, declaring "that no manner of person, being either the head or member of any college or cathedral church within this realm, shall, from the time of the notification hereof in the same college, have, or be permitted to have, within the precinct of any such college, his wife, or other woman, to abide and dwell in the same, or to frequent and haunt any lodging within the same college, upon pain that whosoever shall do to the contrary shall forfeit all ecclesiastical promotions in any cathedral or collegiate church within the realm." Burghley, in sending this royal mandate to

[1] Strickland, Life of Queen Elizabeth, chap. IV.
[2] Strype's Annals, I. 364–5.

Parker, remarks, "Her Majesty continueth very evil affected to the state of matrimony in the clergy. And if [I] were not therein very stiff, her Majesty would openly and utterly condemn and forbid it. In the end, for her satisfaction, this injunction now sent to your Grace is devised. The good order thereof shall do no harm. I have devised to send it in this sort to your Grace for your province; and to the Archbishop of York for his; so as it shall not be promulgated to be popular."[1] It is doubtless to this occurrence that we may attribute the last relic of clerical celibacy enforced among Protestants, that of the fellows of the English universities.

This injunction of Queen Elizabeth caused no little excitement. Though Burghley had prudently endeavoured to prevent its becoming "popular," yet Cox, Bishop of Ely, in remonstrating against its cruelty to those whom it affected in his cathedral seat, shows that it was speedily known to all men, and that it gave exceeding comfort to the reactionaries: "What rejoicing and jeering the adversaries make! How the godly ministers are discouraged, I will pass over."[2] In the universities, where crowds of young men were collected, there might be some colourable excuse for the regulation, but in the splendid and spacious buildings connected with the cathedrals some milder remedy might easily have been found, and the mandate was particularly unpalatable to married bishops, Parker himself, who was individually interested in the matter, made a personal appeal to the Queen, the result of which was to wound him deeply, as well as to show him how extreme were her prejudices on the subject. He pours forth his feelings in a letter to Burghley describing the interview: "I was in an horror to hear such words to come from her mild nature and Christianly learned con-

[1] Parker's Correspondence, pp. 146–8.
[2] Ibid. p. 152.

science, as she spake of God's holy ordinance and institution of matrimony. I marvel that our states in that behalf cannot please her Highness, which we doubt nothing at all to please God's sacred Majesty." He deplores the effect which it must produce on the people: "We alone of our time openly brought in hatred, shamed and traduced before the malicious and ignorant people, as beasts without knowledge to Godward, in using this liberty of his word, as men of effrenate intemperency, without discretion or any godly disposition worthy to serve in our state. Insomuch that the Queen's Highness expressed to me a repentance that we were thus appointed in office, wishing it had been otherwise." The interview had evidently been stormy, and Parker had been made to feel the full force of Elizabeth's perverseness—"I have neither joy of house, land, or name, so abased by my natural sovereign good lady, for whose service and honour I would not think it cost to spend my life"—and he even goes so far as to threaten resistance: "I would be sorry that the clergy should have cause to show disobedience, with *oportet Deo obedire magis quam hominibus*. And what instillers soever there be, there be enough of this contemned flock which will not shrink to offer their blood to the defence of Christ's verity, if it be either openly impugned or secretly suggilled."[1] Evidently, before Parker could have been driven to such scarcely covered threats, there must have been an intimation by the angry Queen that she would recall the permission to marry, which, in the existing state of the law, she could readily have done.

The same spirit which rendered the marriage of a pastor dependent on the approbation of the neighbouring squires caused the retention of ancient rules, which prove the profound distrust still entertained as to the discretion and morality of the clergy, and the difficulty with which

[1] Parker's Correspondence, pp. 156–8.

the Anglican Church threw off the traditions of Catholicism. Thus, even in 1571, Grindal, Archbishop of York, promulgates a modification of the canon of Nicæa, forbidding the residence with unmarried ministers of women under the age of sixty, except relatives closely connected by blood.[1] Indeed, in some remote corners of the kingdom the old licence was kept up. Archbishop Parker, about the year 1565, in speaking of the diocese of Bangor, states: "I hear that diocese to be much out of order, both having no preaching there and pensionary concubinary openly continued, notwithstanding liberty of marriage granted."[2] It evidently required time to accustom the clergy to the substitution of the new privileges for the old.

Although sacerdotal marriage was now fully sanctioned by the organic canon law of the Church, yet it was still exposed to serious impediments of a worldly character. When thus frowned upon by her who was in reality, if not in name, supreme head of the Church; when the wife of the primate himself could be exposed to such indelible impertinence; when the marriage of every unfortunate parson was subjected to degrading conditions, and when it was assumed that his bride must be a woman at service, the influences affecting the matrimonial alliances of the clergy must have been of the worst description. The higher classes of society would naturally model their opinions on those of the sovereign, while the lower orders had not as yet shaken off the prejudices in favour of celibacy implanted in them by the custom of centuries. Making due allowance for polemical bitterness, there is therefore no doubt much truth in the sarcastic account which Sanders gives of the wives of the Elizabethan clergy. Taking advantage of the refusal of Parliament to formally legalise such marriages—a refusal which could not but

1 Wilkins IV. 269.
2 Parker's Correspondence, p. 259.

greatly affect the minds of the people—he assumes that the wives were concubines and the children illegitimate in the eyes of the law; consequently decent women refused to undergo the obloquy attached to a union with a minister of the Church, who was therefore forced to take as his spouse any one who would consent to accept him. The wives of prelates were ostracised; not received at court, and sharing in no way the dignities of their husbands, they were kept closely at home for the mere gratification of animal passion. The members of universities had been wholly unsuccessful in their efforts to obtain the same licence, which was only granted to the heads of colleges. under condition that their wives should reside elsewhere, and should rarely pollute with their presence the learned precincts.[1]

[1] Qui autem istis darent filias suas, ne protestantes quidem fere inveniebantur, nedum Catholici: primum quia existimant id esse per se infame, ut sint vel dicantur uxores presbyterorum. Secundo, quia juxta leges regni non sunt adhuc vera sed adulterina conjugia, ac proinde proles illegitima. Tertio quia non accrescit his uxoribus aut liberis suis ex maritorum loco aut honore in Republica ulla dignitas aut existimatio, quod est contra naturam veri matrimonii. Non enim Archiepiscopus, Episcopus, aliusve hodie prælatus in Anglia si sit conjugatus, tribuit quicquam ex eo honoris vel præeminentia uxori suæ, non magis quam si esset ejus tantum concubina. Hinc sit ut nec eas Elizabetha in aulam, nec principum uxores in consortium ullo modo admittant, ne Archiepiscoporum quidem vocatas conjuges; sed debent eas mariti domi continere, pro vasis tantem libidinis aut necessitatis suæ. Quæ istis ergo conditionibus, ve summis prælatis conjungerentur, cum honestiores paucæ aut nullæ reperiebantur, quas poterant habere accipere fuit necesse. Sed et aliis modis utcumque istorum hominum cupiditati per magistratum civilem impositum est frænum. Nam et Collegiorum alumni qui in Anglicanis universitatibus admodum multi erant, otioque ac saturitate panis abundabant, ac admodum provecti ætate erant, cupiebant et ipsi habere uxores; sed videbatur inconveniens, et id privilegii Collegiorum tantum Rectoribus concessum est, cum hac tamen exceptione, ut conjuges seorsim plerunque extra Collegia coustituant, rariusque eas intromittant.—De Schismate Anglicano Lib. III. (Ingoldstat. 1586, p. 300.)

See also Florimund. Raemund. Histor. Memoral. Lib. VI. cap. xii.

Of course, much allowance must be made for the statements of so keen a partisan as Sanders, and one who had suffered so much from those whom he satirised; yet he was a man of too much shrewdness to make statements which his contemporaries could recognise as entirely destitute of foundation.

Even to this day the position of the wives of the Anglican prelates is made a subject of ridicule by Catholic polemics. A recent Italian tract entitled "Il Celibato del sacerdozio Cattolico" remarks: "Osservate piuttosto le mogli de' vescovi e degli arcivescovi Anglicani, tenute esse in conto di concubine non hanno posto alcuno nella civile società."—Panzini, Confessione di un Prigioniero, p. 472.

The accuracy of this sarcastic description is confirmed by a statement made by Percival Wiburn for the benefit of his friends in Zurich, subsequent to the adoption of the Thirty-nine Articles. He asserts that "The marriage of priests was counted unlawful in the times of Queen Mary, and was also forbidden by a public statute of the realm, which is also in force at this day; although by permission of Queen Elizabeth clergymen may have their wives, provided only they marry by the advice and assent of the bishop and two justices of the peace, as they call them. The lords bishops are forbidden to have their wives with them in their palaces; as are also the deans, canons, presbyters, and other ministers of the Church, within colleges, or the precincts of cathedral churches."[1] It is not a little curious, indeed, to observe that, in spite of the formal declaration in the Thirty-nine Articles, the absence of a special Act of Parliament long caused the question to remain a doubtful one in the public mind. As late as July 1566, Lawrence Humphrey and Thomas Sampson, two zealous Protestants, in denouncing "some straws and chips of the popish religion" which still defaced the Anglican Church, state that "the marriage of the clergy is now allowed and sanctioned by the public laws of the kingdom, but their children are by some persons regarded as illegitimate"; in answer to which, Bishops Grindal and Horn rejoined that "the wives of the clergy are not separated from their husbands, and their marriage is esteemed honourable by all, the papists always excepted."[2] The matter evidently was still regarded as a subject of controversy, not yet decided beyond appeal; and the experience of the previous quarter of a century had accustomed men to too many vicissitudes for them to feel

[1] Zurich Letters, Second Series, p. 359 (Parker Society, 1845). Wiburn was deprived for non-conformity in 1564, so that this must have been written subsequently (Strype's Life of Grindal, p. 98).

[2] Zurich Letters, First Series, pp. 164, 179.

safe with so slender a guarantee as the Articles afforded. The Catholics still constituted a very large proportion of the population, and they scarcely concealed their feelings towards the innovation. When Sir John Bourne quarrelled with Dr. Sandys, Bishop of Worcester, among the formal articles of accusation which he presented to the Privy Council was the assertion that the Bishop in a sermon had ridiculed celibacy and had decried the virtue of unmarried priests.[1] The knight apparently believed that this would be damaging to the bishop, and the latter seems likewise to have thought so, for in his answer he emphatically denied it, retorting that his adversary was a papist who had Mass celebrated in his house and who was in the habit of applying the most opprobrious epithets to the wives of priests.[2] So when in 1569 the Catholics of the North rose in insurrection under the Earls of Westmoreland and Northumberland, one of the grievances of which they complained was the marriage of the ministers of Christ.[3] During the whole of this transition period the question was evidently one which occupied largely the public mind, and in the diversity of opinion it was not easy to see what the ultimate

1 "That, concerning Virginity and the Single Life, he handled the case so finely that to his thinking, if he should have believed him, he could not find three good Virgins since Christ's time. And that so he left the Matter with an Exhortation to all to Mary, Mary. Further, That he said in that Sermon that single-living Men, that is to say unmaried, and especially unmaried priests, lived naught. And that there in that City were lately presented five or six unmaried priests that kept five or six whores apiece; though there were not above four unmaried priests in the City in all."—Strype's Annals, I. 349.

2 "Where he alledgeth that he never called Priests Wives *Whores*, it is untrue. For three Women going through his Park, wherein is a path for footmen, he supposing they had been Priests Wives called unto them, *Ye shall not come through my Park and no such Priests Whores.*"—Ibid. p. 358.

3 See a tract published against the rebels, attributed by Strype to Sir Thomas Smith, which ridicules the advocates of celibacy with a vigour reminding us of the Beggars' Petition.—"This is a quarrel wholly like the old Rebels Complaint of Enclosing of Commons. Many of your *Disordered and evil disposed* Wives are much agrieved that Priests, which were wont to be Common be now made Several. *Hinc illæ lachrymæ.* There is Grief indeed, and Truth it is, and so shall you find it. Few Women storm against the marriage of priests, calling it unlawful and incensing Men against it, but such as have been Priests Harlots or fain would be. Content your Wives yourselves and let Priests have their own."—Strype's Annals, I. 558.

decision might be. When an irrevocable step such as marriage was legal only during the pleasure of a capricious woman, whose assent was known to have been extorted from her, it is no wonder that it should be looked upon with disfavour by all prudent relatives of women inclined to venture on it.

Such a state of feeling could not but react most injuriously on the character of the great body of the clergy. It deprived them of the respect due to their sacred calling, and consequently reduced them to the level of such scant respect as was accorded to them. How long this lasted, and how materially it degraded the ministers of Christ as a body, cannot be questioned by any one who recalls the description of the rural clergy in the brilliant third chapter of Macaulay's History of England. In 1686 an author complains that the rector is an object of contempt and ridicule for all above the rank of the neighbouring peasants; that gentle blood would be held polluted by any connection with the Church, and that girls of good family were taught with equal earnestness not to marry clergymen, nor to sacrifice their reputation by amorous indiscretions—two misfortunes which were commonly regarded as equal.[1]

Thus eagerly accepted and grudgingly bestowed, the privilege of marriage established itself in the Church of England by connivance rather than as a right; and the evil influences of the prejudices thus fostered were not extinguished for generations.

[1] A causidico, medicastra, ipsaque artificum farragine, ecclesiæ rector aut vicarius contemnitur et fit ludibrio. Gentis et familiæ nitor sacris ordinibus pollutus censetur: fœminisque natalitio insignibus unicum inculcatur sæpius præceptum, ne modestiæ naufragium faciant, aut (quod idem auribus tam delicatulis sonat) ne clerico se nuptas dari patiantur.—T. Wood, Angliæ Notitia (Macaulay's Hist. Engl. Chap. III.).

Lord Macaulay attributes the degraded position of the clergy to their indigence and want of influence. These causes doubtless had their effect, but the peculiar repugnance towards clerical marriage ascribed to all respectable women had a deeper origin than simply the beggarly stipends attached to the majority of English livings.

CHAPTER XXVII

CALVINISM

In the easy toleration which preceded the Reformation, Luther's precursor, Jacques Lefèvre d'Etaples, in 1512 published his Commentaries on the Pauline Epistles. The work was a significant portent of the era about to open. For the first time the traditional scholastic exegesis was cast aside for a treatment in which tradition was rejected and independent judgment was exercised as a matter of right. As in so much else, the full import of this was not recognised until the Lutheran revolt showed the necessity of strict adherence to the ancient ways and of shackling human thought with additional rigour. It was not until after Luther's condemnation by the Sorbonne, in 1521, that the Commentaries were censured and twenty-five heretical errors were discovered in them; even then the favour of Francis I. protected their author from the prosecution commenced against him in 1523. Many a hardy thinker had been burnt for less. Lefèvre denied justification by either faith or works, for God alone justifies; religious Orders only awaken pride and imperil Christian love—it would be better that there were none, but, while they exist, monks should work with their hands, as did the apostles; confession and forgiveness of sins were originally mutual between brethren—the modern custom is due to the absence of faith, but Christ may accept it; celibacy in itself is better than marriage, but priests and deacons were permitted to marry until the time of Gregory VII.; the Greek Church has retained

the apostolic custom of marriage, while the other Churches adopted celibacy, whereby many, through incontinence, fall into the snares of the devil.[1]

The seed thus scattered fell into fruitful soil, and as early as 1525, Clement VII., in a brief addressed to the Regent Louise of Savoy, enumerates among the "Lutheran" errors spreading through France the stigmatising of the canons enjoining clerical celibacy as Satanic.[2] By the time when Jean Calvin formulated the system of theology which bears his name, sacerdotal marriage had thus everywhere become recognised as one of the inevitable incidents of the revolt against Rome, and that the French Huguenots should accept it was therefore a matter of course.

Calvin himself manifested his contempt for all the ancient prejudices by marrying, in 1539, Idelette de Bure, the widow of the Anabaptist Jean Stordeur, whom he had converted.[3] The Huguenot Confession of Faith was drawn up by him, and was adopted by the first national synod, held at Paris in 1559. Of course the Genevan views of justification swept away all the accumulated observances of sacerdotalism, and ascetic celibacy shared the fate of the rest.[4] The discipline of the Calvinist

1 Karl Heinrich Graf, Jacobus Faber Stapulensis, pp. 37, 45, 46, 48, 165–7 (Strassburg, 1842).

2 Clement PP. VII. Breve *Cum ad nihil* (Isambert. Anciennes Loix Françaises, XII. 233).

3 Rahlenbeck, L'Eglise de Liége, p. 49. The stern and self-centred soul which won for Idelette the hand of Calvin was unshaken to the last, as may be seen by his curious account of her death-bed, in a letter to Farel (Calvini Epistolæ, p. 111. Genevæ, 1617). His grief was doubtless sincere, but his friends were able to compliment him on his not allowing domestic affliction to interfere with his customary routine of labour (Ibid. p. 116).

4 I have not access to the original, but quote the following from Quick's "Synodicon in Gallia Reformata," London, 1692—"Art. XXIV. . . . We do also reject those means which men presumed they had, whereby they might be redeemed before God; for they derogate from the satisfaction of the Death and Passion of Jesus Christ. Finally, We hold Purgatory to be none other than a cheat, which came out of the same shop: from which also proceeded monastical vows, pilgrimages, prohibition of marriage and the use of meats a ceremonious observation of days

Church with regard to the morality of its ministers was necessarily severe. The peculiar purity expected of a pastor's household was shown by the rule which enjoined any Church officer whose wife was convicted of adultery to dismiss her absolutely, under pain of deposition, while laymen, under such circumstances, were exhorted to be reconciled to their guilty partners.[1] Any lapse from virtue on the part of a minister was visited with peremptory deposition;[2] nor was this a mere idle threat, such as were too many of the innumerable decrees of the Catholic councils quoted above, for the proceedings of various synods show that it was carried sternly into execution. A list of such vagrant and deposed ministers was even kept and published to the churches, with personal descriptions of the individuals, that they might not be able to impose on the unwary. Indeed, the national synod of Lyons, in 1563, went so far as to punish those ministers who brought contempt upon the Church by unfitting marriages;[3] and, though this was omitted from the final code of discipline, it shows the exceeding strictness with which the internal economy of the ecclesiastical establishment of the Huguenots was regulated.

The relations of the Catholic Church with its apostates were somewhat confused, and they varied with the political exigencies of the situation. Ecclesiastics who left the Catholic communion did not hesitate to enter into matrimony;[4] and when the desolation of civil war rendered

auricular confession, indulgences, and all other such matters, by which Grace and Salvation may be supposed to be deserved. Which things we reject, not only for the false opinion of merit which was affixed to them, but also because they are the inventions of men, and are a yoke laid by their sole authority upon conscience" (Quick, I. xi.).—See also the Confession written by Calvin in 1562, to be laid before the Emperor Ferdinand (Calvini Epist. pp. 564–66).

1 Discip. Chap. XIII. can. xxviii. (Quick, I. iii.)

2 Ibid. Chap. I. can. xlvii.

3 Chap. IV. Art. xii., Chap. XVI. Art. xiv. (Quick, I. 32, 38.)

4 Prelates of high position were not wanting to the list of married men. Carracioli, Bishop of Troyes, and Spifame, Bishop of Nevers, were of the number. Jean de Monluc, Bishop of Valence (brother of the celebrated Marshal Blaise de

a forced tolerance of the new religion necessary, their position was a source of considerable debate, varying with the fluctuations of the tangled politics of the time. The Edict of Pacification of Amboise, in March 1562, was held by the Huguenots to legalise the marriages of these apostates, but the explanatory declaration of August 1563 ordered their reclamation by the Church under pain of exile. When the Spanish alliance gave fresh assurances of triumph to the Catholics this was enforced with increased severity. The Edict of Roussillon, in 1564, commands that all priests, monks, and nuns who had abandoned their profession and entered into matrimony shall sunder their unhallowed bonds and return to their duties. Recalcitrants were required to leave the kingdom within two months, under pain, in the case of men, of condemnation to the galleys for life, and in that of women, of perpetual imprisonment.[1] As most of the Calvinist ministers necessarily belonged to the class thus assailed, the effect of this legislation in stimulating the troubles of the kingdom can readily be perceived.

The dismal strife of the succeeding ten years at length showed that, in spite of the Tridentine canons, the toleration of this iniquity was a necessity. Thus in the Edicts of Pacification issued by Henry III. in 1576 and 1577 there is a provision which admits as valid the marriages theretofore contracted by all priests or religious persons of either sex. The issue of such unions was declared competent to inherit the personalty of the parents and such

Monluc, whose cruelties to the Huguenots were so notorious), married without openly apostatising, and died in the Catholic faith. Cardinal Odet de Châtillon, Bishop of Beauvais, and brother of the Admiral, became a declared Calvinist, married Mlle. de Hauteville, and called himself Comte de Beauvais. He seems to have retained his benefices, and was still called by the Catholics M. le Cardinal "Car il nous estoit fort à cœur," says Brantôme (Discours 48), "de luy changer le nom qui luy avoit esté si bien seant."

[1] Edit de Roussillon, Art. 7 (Isambert XV. 172). This edict was cited in the proceedings of the case of Dumonteil, about the year 1830, of which more hereafter.

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realty as either parent might have acquired, but was incapable of other inheritance, direct or collateral.[1]

The Church was obliged to submit to this temporising tolerance of evil, and condescended to entreaty since force was no longer permitted. In 1581 the Council of Rouen, while deploring the number of monks and nuns who had left their convents, apostatised, and married, directs that they shall be tempted back, treated with kindness, and pardon be sought for them from the Holy See.[2] In the final settlement of the religious troubles, the concessions made by Henry III. were renewed and somewhat amplified by the Edict of Nantes in 1598.[3] When the reaction came, however, these provisions were held to be only retrospective in their action, and were not admitted as legalising subsequent marriages. Thus in 1628 a knight of Malta, in 1630 a nun, and in 1640 a priest of Nevers, who had embraced Calvinism, ventured on matrimony, but were separated from their spouses and the marriages were pronounced null.[4] These decisions were based on the principle that the celibacy of ecclesiastics was prescribed by municipal as well as by canon law, and that a priest in abjuring his religion did not escape from the obligations imposed upon him by the laws of the kingdom.[5]

In Scotland, as in France, the question of sacerdotal marriage may be considered as having virtually been settled in advance. Lollardry had not been confined to the southern portion of Great Britain. It had penetrated

1 Edit de 1576, Art. 9.—Edit de Poitiers, Art. Secrets, No. 8 (Isambert, T. XV. pp. 283, 331).

2 Concil Rotomag. ann. 1581 cap. de Monasteriis § 32 (Harduin. X. 1253).

3 Edit de Nantes, Art. Secrets, No. 39 (Isambert, T. XVI. p. 206).

4 Grégoire, Hist. du Mariage des Prêtres en France, pp. 58–9.

5 A decision rendered on the argument of the distinguished avocat-général Omer Talon expressly states "que la prohibition du mariage des personnes constituées dans les ordres etant une loi de l'Etat aussi bien que de l'Eglise, un prêtre malgré sa profession de Calvinisme, était demeuré sujet aux lois de l'Etat, et dès lors n'avait pas pu valablement contracter mariage."—Bouhier de l'Ecluse, de l'Etat des Prêtres en France, Paris, 1842, p. 12.

into Scotland, and had received the countenance of those whose position and influence were well calculated to aid in its dissemination among the people. In 1494, thirty of these heretics, known as "the Lollards of Kyle," were prosecuted before James IV. by Robert Blacater, Archbishop of Glasgow. Their station may be estimated from the fact that they escaped the punishment due to their sins by the favour of the monarch, "for divers of them were his great familiars." The thirty-four articles of accusation brought against them are mostly Wickliffite in tendency, and their views on the question of celibacy are manifested in the twenty-second article, which accuses them of asserting "That Priests may have wives according to the constitution of the Law and of the Primitive Christian Church."[1]

The soil was thus ready for the plough of the Reformation; while the temper of the Scottish race gave warrant that when the mighty movement should reach them, it would be marked by that stern and uncompromising spirit which alone could satisfy conscientious and fiery bigots, who would regard all half-measures as pacts with Satan. Nor was there lacking ample cause to excite in the minds of all men the desire for a sweeping and effectual reform. Corruption had extended through every fibre of the Scottish Church as all-pervading as that which we have traced throughout the rest of Christendom.

Not long after the year 1530, and before the new heresy had obtained a foothold, William Arith, a Dominican, ventured to assail the vices of his fellow churchmen. In a sermon preached at St. Andrews, with the approbation of the heads of the universities, he alluded to the false miracles with which the people were deceived, and the abuses practised at shrines to which credulous devotion was invited. "As of late dayes," he proceeded, "our Lady

[1] Knox, History of the Reformation in Scotland, p. 3 (ed. 1609).

of Karsgreng hath hopped from one green hillock to another: But, honest men of St. Andrewes, if ye love your wives and daughters, hold them at home, or else send them in good honest company; for if ye knew what miracles were wrought there, ye would thank neither God nor our Lady." In another sermon, arguing that the disorders of the clergy should be subjected to the jurisdiction of the civil authorities, he introduced an anecdote respecting Prior Patrick Hepburn, afterwards Bishop of Murray. That prelate once, in merry discourse with his gentlemen, asked of them the number of their mistresses, and what proportion of the fair dames were married. The first who answered confessed to five, of whom two were bound in wedlock; the next boasted of seven, with three married women among them; and so on until the turn came to Hepburn himself, who, proud of his *bonnes fortunes*, declared that although he was the youngest man there, his mistresses numbered twelve, of whom seven were men's wives.[1] Yet Arith was a good Catholic, who, on being driven from Scotland for his plain speaking, suffered imprisonment in England under Henry VIII. for maintaining the supremacy of the Pope.

How little concealment was thought requisite with regard to these scandals is exemplified in the case of Alexander Ferrers, which occurred about the same time. Taken prisoner by the English and immured for seven years in the Tower of London, he returned home to find that his wife had been consoled and his substance dissipated in his absence by a neighbouring priest, for the which cause he not unnaturally "spake more liberally of priests than they could bear." By this time heresy was spreading, and severe measures of repression were considered necessary. It therefore was not difficult to have the man's disrespect-

[1] Knox, pp. 15–16.—Calderwood's Historie of the Kirk of Scotland, I. 83–5 (Wodrow Soc.).

ful remarks construed as savouring of Lutheranism, and he was accordingly brought up for trial at St. Andrews. The first article of accusation read to him was that he despised the Mass, whereto he answered, "I heare more Masses in eight dayes than three bishops there sitting say in a yeare." The next article accused him of contemning the sacraments. "The priests," replied he, "were the most contemnors of the sacraments, especially of matrimony." "And that he witnessed by many of the priests there present, and named the man's wife with whom they had meddled, and especially Sir John Dungwaill, who had seven years together abused his own wife and consumed his substance, and said: because I complain of such injuries, I am here summoned and accused as one that is worthy to be burnt: For God's sake, said he, will ye take wives of your own, that I and others whom ye have abused may be revenged on you." Old Gawain Dunbar, Bishop of Aberdeen, not relishing this public accusation, sought to justify himself, exclaiming, "Carle, thou shalt not know my wife"; but the prisoner turned the tables on him, "My lord, ye are too old, but by the grace of God I shall drink with your daughter or I depart." "And thereat there was smiling of the best and loud laughter of some, for the bishop had a daughter married with Andrew Balfour in that town." The prelates who sat in judgment found that they were exchanging places with the accused, and, fearful of further revelations from the reckless Alexander, commanded him to depart; but he refused, unless each one should contribute something to replace the goods which his wife's paramour had consumed, and finally, to stop his evil tongue, they paid him and bade him be gone.[1]

All prelates, however, were not so sensitive. When Cardinal Beatoun, Archbishop of St. Andrews, primate of Scotland, and virtual governor of the realm, about the

[1] Knox, pp. 16–17.

year 1546 married his eldest daughter to the eldest son of the Earl of Crawford, he caused the nuptials to be celebrated with regal magnificence, and in the marriage articles, signed with his own hand, he did not hesitate to call her "my daughter." It is not difficult, therefore, to credit the story that the night before his assassination was passed with his mistress, Marion Ogilby, who was seen leaving his chamber not long before Norman Leslie and Kirkaldy of Grange forced their way into his castle.[1] His successor in the see of St. Andrews, John Hamilton, was equally notorious for his licentiousness; and men wondered, not at his immorality, but at his taste in preferring to all his other concubines one whose only attraction seemed to be the zest given to sin by the fact that she was the wife of one of his kindred.[2]

This is testimony from hostile witnesses, and we might perhaps impugn their evidence on that ground, were it not that the Catholic Church of Scotland itself admitted the abandoned morals of its members when the rapid progress of Calvinism at length drove it in self-defence to attempt a reform which was its only chance of salvation. In the last Parliament held by James V. before his death in 1542, an Act was passed exhorting the prelates and ecclesiastics in general to take measures "for reforming of their lyvis, and for avoyding of the opin sclander that is gevin to the haill estates throucht the spirituale mens ungodly and dissolut lyves."[3] Nothing was then done, in spite of this solemn warning, though the countenance afforded to the Reformers by the Regent Arran, strengthened by his alliance with Henry VIII., was daily causing the heresy to assume more dangerous proportions. When, therefore, the Catholic party, rallying after the murder of Cardinal

[1] Buchanan. Rer. Scot. Hist. Lib. xv.—Robertson, Hist. of Scot. B. II.—Knox 71–2.—Calderwood I. 222.

[2] Buchanan, Lib. xv.

[3] Wilkins IV. 207.

Beatoun, at length triumphed with the aid of France, and sent the young Queen of Scots to marry Francis II., they seemed to recognise that they could only maintain their advantage by meeting public opinion in endeavouring to reform the Church. Accordingly, in November 1549, a council was convoked at Edinburgh, of which the first canon declares that the licentiousness of the clergy had given rise to the gravest scandals, to repress which the rules enjoined by the Council of Basle must be strictly enforced and universally obeyed. The second canon is no less significant in ordering that prelates and other ecclesiastics shall not live with their illegitimate children, nor provide for them or promote them in the paternal churches, nor marry their daughters to barons by endowing them with the patrimony of Christ, nor cause their sons to be made barons by the same means.[1]

This was of small avail. Ten years afterwards, the progress of heresy becoming ever more alarming, another council was held, in March 1559, to devise means to put a stop to the encroachments of the enemy. To this assembly the Catholic nobles addressed an earnest prayer for reformation. After alluding to the proceedings of the Parliament of 1542, they add, "And siclyk remembring in diverss of the lait provinciale counsales haldin within this realm, that poynt has been treittet of, and sindrie statutis synodale maid therupon, of the quhilks nevertheless thar hes folowit nan or litill fruitt as yitt, bot rathare the said estate is deteriorate . . . it is maist expedient therefore that thai presentlie condescend to seik reformation of thir lyvis . . . and naymlie that oppin and manifest sins and notor offencis be forborn and abstenit fra in tyme to cum." In this request they had been anticipated by the Reformers, who the previous year, in a supplication addressed to the Queen-regent, included among their demands "That the

[1] Concil. Edinburgens. ann. 1549 can. 1, 2 (Wilkins IV. 48).

wicked, slanderous, and detestable life of Prelats and of the State Ecclesiasticall may be reformed, that the people by them have not occasion (as of many dayes they have had) to contemne their Ministrie and the Preaching whereof they should be Messengers."

The council, thus urged by friend and foe, recognised the extreme necessity of the case, and did its best to cure the immedicable disease. Its first canon reaffirmed the observance of the Basilian regulations, and appointed a commission empowered to enforce them ; and, that nothing should interfere with its efficiency, the Archbishops of St. Andrews and Glasgow made a special renunciation of their exemption from the jurisdiction of the council. The second canon, in forbidding the residence of illegitimate children with their clerical fathers, endeavoured to procure obedience to the rule ordered by the council of 1549, by permitting it for four days in each quarter, and by a penalty for infractions of £200 in the case of an archbishop, £100 in that of a bishop, and leaving the mulct to be imposed on inferior ecclesiastics at the discretion of the officials. The third canon prohibited the promotion of children in their fathers' benefices, and supplicated the Queen-regent to obtain of the Pope that no dispensations should be granted to evade the rule. The fourth canon inhibited ecclesiastics from marrying their daughters to barons and lairds, and endowing them with Church lands, or making their sons barons or lairds with more than £100 annual income, under pain of fine to the amount of the dowry or lands abstracted from the Church ; and all grants of Church lands or tithes to concubines or children were pronounced null and void.[1]

[1] Wilkins IV. 207–10.—Knox, p. 129. It should be borne in mind in estimating these penalties that they are expressed in pounds Scots, which were about one-twelfth of the pound sterling. These canons, it appears, were not adopted without opposition. According to Knox, "But herefrom appealed the Bishop of Murray and other prelates, saying That they would abide the canon law. And so they might well enough do, so long as they remained Interpretors, Dispensators, Makers and Disannullers of the law" (op. cit. 119). It was doubtless on some such considerations that the

When such legislation was necessary, the disorders which it was intended to repress are acknowledged in terms admitting neither of palliation nor excuse. The extent of the evil especially alluded to in the latter canons is further exemplified by the fact that during the thirty years immediately following the establishment of the Reformation in Scotland, more letters of legitimation were taken out than were issued in the two subsequent centuries. These were given to the sons of the clergy who were allowed to retain their benefices, and who then made over the property to their natural children.[1]

Such being the state of morals among the ministers of the old religion, it is easy to appreciate the immense advantage enjoyed by the Reformers. They made good use of it. Knox loses no opportunity of stigmatising the "pestilent Papists and Masse-mongers" as "adulterers and whoremasters," who were thus perpetually held up to the people for execration, while the individual wrongs from which so many suffered were noised about and made the subject of constantly increasing popular indignation.[2] Yet

Archbishop of St. Andrews relied when he consented to waive his exemption in this matter. His personal reputation may be estimated from the remark of Queen Mary when, in December 1566, he performed the rite of baptism on James VI. She forbade him to use the popular ceremony of employing his saliva, giving a reason which was in the highest degree derogatory to his moral character (Sir J. Y. Simpson, in Proceedings of Epidemiological Society of London, November 5, 1860).

[1] Robertson, Hist. Scot. Bk. II.

[2] Thus the Parliament of 1560, which effected a settlement of the Reformed Religion, was urged to its duty by a Supplication presented in the name of "The Barons, Gentlemen, Burgesses, and other true Subjects of this Realm, professing the Lord Jesus within the same," which, among its arguments against Catholicism, does not hesitate to assert: "Secondarily, seeing that the sacraments of Jesus Christ are most shamefully abused and profaned by that Romane Harlot and her sworne vassals, and also because that the true Discipline of the Ancient Church is utterly now among that Sect extinguished: For who within the Realme are more corrupt in life and manners than are they that are called the Clergie, living in whoredom and adultery, deflouring Virgins, corrupting Matrons, and doing all abomination without fear of punishment. We humbly, therefore, desire your Honors to finde remedy against the one and the other."—Knox, p. 255.

the abrogation of celibacy occupies less space in the history of the Scottish Reformation than in that of any other people who threw off the allegiance to Rome.

The remote position of Scotland and its comparative barbarism rendered it in some degree inaccessible to the early doctrines of Luther and Zwingli. Before it began to show a trace of the new ideas, clerical marriage had long passed out of the region of disputation with the Reformers, and was firmly established as one of the inseparable results of the doctrine of justification professed by all the reformed Churches.[1] Not only was it thus accepted as a matter of course by all the converts to the new faith, but that faith, when once introduced, spread in Scotland with a rapidity proportioned to the earnest character of the people. The permission to read the Scriptures in the vulgar tongue, granted by Parliament in 1543, doubtless had much to do with this; the leaning of the Regent Arran to the same side gave it additional impetus, and the savage fierceness with which the Reformers were prepared to vindicate their belief is shown by the murder of Cardinal Beatoun, which was countenanced and justified by Knox himself. Powerful nobles soon saw in it the means of emancipating themselves from the vacillating control of the Regent; nor was the central authority strengthened when, in 1554, the reins of power were wrested from the feeble Arran and confided to the Queen-dowager, Mary of Guise, who found herself obliged to encourage each party by turns, and to balance one against the other, to prevent either Catholic or Calvinist from obtaining control over the state. Then too, as in

1 This doctrine bore its full share in the history of the Scottish Reformation. Two years after the execution of the protomartyr, Patrick Hamilton, in 1528, his sister Catharine was arraigned on account of her belief in justification through Christ. Learned divines urged upon her with prolix earnestness of disputation the necessity of works, until her patience gave way, and she rudely exclaimed, "Work here and work there, what kind of working is all this? No work can save me but the work of Christ my Saviour."—By the connivance of the King she was enabled to escape to England.—Calderwood's Historie, I. 109.

Germany and England, the temporal possessions of the Church were a powerful temptation to its destruction. From the great Duke of Chatelleraut to the laird of some insignificant peel, all were needy and all eager for a share in the spoil. When, in 1560, an assembly of the nobles at Edinburgh listened to a disputation on the Mass, and the Catholic doctors were unable to defend it as a propitiatory sacrifice, the first exclamation of the lords revealed the secret tendencies of their thoughts: "We have been miserably deceived heretofore; for if the Mass may not obtain remission of sins to the quick and to the dead, wherefore were all the Abbies so richly doted and endowed with our Temporall lands?" [1]

Of course, less selfish purposes were put forward to enlist the support of the people. On the 1st January 1559, when the storm was gathering, but before it had burst, the inmates of the religious houses found affixed to their gates a proclamation in the name of "The Blinde, Crooked, Lame, Widows, Orphans, and all other Poor, so visited by the hand of God as cannot work," ordering the monks to leave the patrimony intended to relieve the suffering, but usurped by indolent shavelings, giving them until Whit-Sunday to make their exit, after which they would be ejected by force, and ending with the significant warning: "Let him, therefore, that hath before stolen, steal no more, but rather let him work with his hands that he may be helpfull to the poore." [2]

Such a cry could hardly fail to be popular, but when the threat was carried into execution, the blind and the crooked, the widow and orphan received so small a share of the spoil that they were worse off than before. As we have already seen in England, the destruction of the Scottish monasteries was the commencement of the necessity of making some public provision for paupers.[3]

1 Knox, p. 283.

2 Knox, p. 119.—Calderwood, I. 423.

3 Thus the Assembly of the Church in 1562 drew up a remonstrance to the Queen,

The nobles seized the lion's share; the rest fell to the crown, subject to the payment of the very moderate stipends assigned to the comparatively few ministers required by the new establishment, and these stipends were so irregularly paid that the unfortunate ministers were frequently in danger of starvation, and were constantly besieging the court with their dolorous complaints. Where the lands and revenues went is indicated with grim humour by Knox, in describing the resistance offered in 1560 to the adoption of his Book of Discipline by those who had professed great zeal for the Lord Jesus. Lord Erskine had been one of the first and most consistent of the "Lords of the Congregation," yet he also refused to sign the book—"And no wonder, for besides that he had a very evill woman to his wife, if the Poore, the Schooles, and the Ministerie of the Church had their owne, his Kitchin would lack two parts and more of that which he unjustly now possesseth."[1]

Yet, when compared with the rich abbatial manors of England or the princely foundations of Germany, the spoil of the Church was mean indeed. Knox had resided much abroad, and had seen the vast wealth which the piety of ages had showered upon the Church in the most opulent lands of Europe, yet his simplicity or fanaticism finds source of wondering comment in the homespun luxury of the unfortunate monks whom he assisted in dispossessing. When the destruction of the monasteries 1559 commenced by a brawl in Perth, caused by a sermon preached by Knox, and three prominent convents were broken up, he expatiates

in which they requested that "in every Parish some of the Tythes may be assigned to the sustentation and maintenance of the poor within the same: And likewise that some publike relief may be provided for the poor within Burroughs."—Knox, p. 339.

[1] Ibid. p. 278. The Book was signed at Edinburgh, 27 January, 1561, but only after the adoption of a proviso: "Provided that the Bishops, Abbots, Priors, and other Prelates and Beneficed men, which else have adjoyned themselves to us, brooke the revenues of their Benefices during their lifetimes."—Worldly wisdom certainly was not lost sight of in the ardour of a new and purer religion.

on the extravagance revealed to sight: "And in very deed the Grey-Friers was a place so well provided that unlesse honest men had seen the same, we would have feared to have reported what provision they had, their sheets, blankets, beds and coverlets were such that no Earle in Scotland had better: Their naperie was fine; they were but 8 persons in the Convent, and yet they had 8 puncheons of salt beef (consider the time of the yeere, the eleventh of May), wine, beere, and ale, beside store of victuals belonging thereto."[1] Imagine an abbot of St. Albans or an abbess of Poissy reduced to the coverlets and salt beef which the stern Calvinist deemed an indulgence so great as to be incredible!

Still, in so impoverished a country as the Scotland of that period, even these poor spoils were a motive sufficient to prove a powerful aid to the conquering party in the struggle. And yet, amid all the miserable ambitions of the Erskines and Murrays, the Huntleys and Bothwells, who occupied the prominent places in the court and camp, we should do grievous wrong to the spirit which triumphed at last over the force and fraud of the Guises, if we attributed to temporal motives alone the movement which expelled licentious prelates and drove Queen Mary to the fateful refuge of Fotheringay. The selfish aims of the nobles would have been fruitless but for the zealous earnestness of the people, led by men of iron nature, who doubted themselves as little as they doubted their God, and who, in the death-struggle with Antichrist, were as ready to suffer as they were ruthless to inflict. Nor can the disorders of the Catholic clergy be rightly imputed to the temperament of the race, for the Reformers, who carried with them so large a portion of the middle and lower classes, preached a system of rigid morality to which the world had been a stranger since the virtues of the

[1] Knox, 136.

Germanic tribes had been lost in the overthrow of the Empire; and they not merely preached it, but obtained its embodiment in a code of repressive laws which their vigilant authority strictly enforced.

I have said above that the question of celibacy appears but rarely in the course of the contest, yet, notwithstanding the causes which rendered it a less prominent subject of debate than elsewhere, it occasionally rises to view. The first instance of clerical marriage that I find recorded occurred in 1538, when Thomas Coklaw, parish priest of Tillibodie, married a widow of the same village named Margaret Jameson. This, however, was not done openly and defiantly, as in Germany, but in secret, and the married couple continued to dwell apart. That the infraction of the canons was not without danger was shown by the result, for, when it became known, Coklaw was tried by the Bishop of Dunblane and condemned to perpetual imprisonment; but his relatives broke open his dungeon, and he escaped to England. When, early in the following year, a group of Reformers, including Dean Thomas Forret, Friar John Killore, Friar John Beverege, and others, were put on trial, their presence at this wedding was one of the crimes for which they were executed upon Castle Hill at Edinburgh.[1] In fact, the abrogation of the rule of celibacy, in Scotland as elsewhere, was necessarily one of the leading points at issue between the Reformers and the Catholics. Thus, when George Wishart, one of the early heretics who ventured openly to preach the Lord Jesus, was seized, in spite of powerful protectors, and after a prolonged captivity was brought for trial before Cardinal Beatoun in 1545, in the accusation against him article 14 asserted, "Thou false Hereticke hast taught plainly against the Vows of Monks, Friers, Nuns, and Priests, saying, That whosoever was

[1] Calderwood's Historie, I. 123–4.

bound to such like Vows, they vowed themselves to the state of damnation. Moreover, That it was lawfull for Priests to marry wives and not to live sole." Wishart tacitly confessed the truth of this impeachment by rejoining, "But as many as have not the gift of chastity, nor yet for the Gospel have overcome the concupiscence of the flesh, and have vowed chastity; ye have experience, although I should hold my tongue, to what inconveniences they have exposed themselves."[1] He was accordingly condemned as an incorrigible heretic, and promptly burnt. Yet when, in 1547, John Knox held his disputation with Dean Wynrame and Friar Arbuckle, though the nine articles drawn up for discussion ranged from the supremacy of the Pope and the existence of purgatory to the payment of tithes, the subject of vows of chastity was not even mentioned.[2]

Still, as late as 1558 the trial of Walter Mill shows that the question was even yet agitated in the controversies between the polemics of the two parties. Mill had been a priest, and had married, and the first of the articles of accusation against him was that he asserted the lawfulness of sacerdotal marriage. To this he boldly assented, declaring that he regarded matrimony as a blessed bond, open for all men to enter, and that it were better for priests to marry than to vow chastity and not preserve it, as they were wont to do. Condemned to the stake, the unfortunate old man commanded the sympathies of the people, even in the archiepiscopal town of St. Andrews. No one could be found to act as executioner, until at length one of the servants of the archbishop consented to fill the abhorrent office; but when a rope was sought with which to bind the wretched sufferer to the stake, no one

1 Knox, p. 65.—Knox's characteristic comment on this is—"When he had said these words, they were all dumb, thinking it better to have ten concubines than one wife."

2 Calderwood, I. 231 sqq.

would furnish it, and the tragedy was necessarily postponed. Equally unsuccessful was the next day's search, until the archbishop, fearing to lose his victim, gave the cords of his own pavilion, and the sentence was carried into effect. Even after the sacrifice, the popular feeling was manifested by raising a pile of stones as a monument on the place of torture, and as often as these were cast aside by the priests they were replaced by the people, until the followers of the archbishop carried them off by night, and used them for building.[1]

These incidents show us that the question received its share of attention in the controversy by which each side endeavoured to secure the support of the nation, but it makes no appearance in public negotiations and declarations. Thus, in 1558, when the growing strength of the Lords of the Congregation led the Catholics to offer concessions, which were rejected by the conscious power of the Reformers, there was no allusion to celibacy on either side. In fact, between the respective leaders the questions were almost purely personal and political, while among the conscientiously religious supporters of either party opinions were too rigidly defined for argument. Convictions were too divergent and too firm for compromise or concession to be possible, and Catholic and Calvinist grimly recognised, as by a tacit understanding, the alternative of extermination. When the English alliance at last drove the Catholics to the wall, and in July 1560 there assembled the Parliament to which by the Articles of Leith was referred the duty of effecting a settlement of the kingdom, the vanquished party made no struggle against their fate. Such Catholic prelates and lords as took their seats refrained from all debate, and allowed the victors to arrange the temporal and spiritual affairs of the kingdom at their pleasure.

[1] Knox, p. 130.—Calderwood, I. 337 sqq.—Burnet, Vol. II.

In this settlement, our subject affords a curious comparison between the English and Scotch Churches. In the former, at a period even later than this, it was considered necessary to embody a renunciation of celibacy in the organic law, which has been maintained to the present day. In the latter, ecclesiastical marriage had become already so firmly established in the minds of the Reformers that it was accepted as a matter of course, which needed no special confirmation. Although laws were passed prohibiting the Mass and abolishing the supremacy of the Pope, none were thought necessary to legalise the marriages of the clergy. Even in Knox's Confession of Faith, adopted by the Parliament on July 17, there is no direct allusion to the matter. The only passage which can be construed as having any bearing upon it occurs in Chapter XIV., when considering "What works are reputed good before God": "And evill works we affirme not onely those that are expressly done against God's commandment, but those also that in matters of religion and worshipping of God have no assurance, but the invention and opinion of man, which God from the beginning hath ever rejected, as by the prophet Isaiah and by our Master Christ Jesus we are taught in these words—*In vain do they worship me, teaching doctrines which are precepts of Men.*[1]

Nothing more, in fact, was needed when the triumph of the new ideas was so complete that Knox could exultingly exclaim, "For what Adulterer, what Fornicator, what known Masse-monger or pestilent Papist durst have been seen in publike within any Reformed Town within this Realme before that the Queen arrived? . . . . For while the Papists were so confounded that none within the Realme durst avow the hearing or saying of Masse then the thieves of Tiddisdale durst avow their stouth or stealing in the presence of any upright judge."[2] When persecution thus

[1] Knox, p. 263. [2] Ibid. p. 304.

had changed sides, no minister could feel that his nuptials required special authorisation. How thoroughly indeed they were legitimated is shown by a curious little incident occurring in 1563. A minister named Baron made complaint to the General Assembly that his wife, an English woman named Anne Goodacre, "after great rebellions by her committed," had left him and taken refuge in England, whereupon he requested the Assembly to have her brought back to him. Spotswood, the Superintendent of Lothian, with Knox and Craig, actually wrote to Archbishop Parker officially asking him to have the woman sought for and sent to Scotland; but Parker, considering it to be an international question and beyond his sphere, prudently referred the request to Secretary Cecil.[1]

It were foreign to our object to enter into the dark details of Mary's short and disastrous reign. The intrigues of the camarilla, the boyish weakness of Darnley, the subtlety of Rizzio, and the coarse ambition of Huntley and Bothwell, were alike harmless against the earnest reverence of the people for the new faith; and the expiring struggles of Catholicism were too feeble to give any practical importance to the vain attempts at reaction.

1 Strype's Parker, Book II. ch. xviii.

CHAPTER XXVIII

THE COUNCIL OF TRENT

It has already been observed that the dissolute and un-Christian life of the priesthood was one of the efficient causes which led to the success of the Reformation. At an early period in the movement, the Catholic Church felt the necessity of purifying itself, if it was to retain the veneration of the people; and the veneration of the people was now not merely a source of revenue, but a condition of the very existence of the stupendous structure of Latin Christianity. As soon as it became clearly apparent that Lutheranism was not to be suppressed by the ordinary machinery, and that it was spreading with a rapidity which portended the worst results, an effort was made to remove the reproach which incorrigible immorality had entailed upon the Church. Allusion has been made above to the stringent measures of reform proclaimed by the legate Campeggio at Ratisbon in 1524, in which he acknowledged that the new heresy had no little excuse in the detestable morals and abandoned lives of the clergy—a truth repeatedly admitted by the ecclesiastical authorities.[1] His

1 The orator of the Council of Cologne in 1527 sharply reminded the assembled prelates that they must set the example of obeying their own statutes, and that they could not expect the people to reverence the true Church so long as it notoriously bade defiance to the laws of God and man. "Quasi præscribatur lex cujus sancitor voluerit esse exlex. Parendum enim est legi quam quisque sancit . . . Audis præterea non licere plurimas habere uxores, quæ animum tuum alliciant; non decere domi alere tot scorta tot Veneres, quæ te continue exedunt, tuamque substantiam disperdunt. . . . His et aliis datur scandalum populo; præbetur offendiculum vulgo, cui hac tempestate vilet et contemptui est ordo quilibet sacer. Vilis plebs te sacerdotem nunc cachinnis atque ludibriis incissit et odit, qui calumniandi ansam ultro præbueris. Dicit namque: tot hic, aut ille, scorta domi suæ ex

well-meant endeavours had little result, and we have seen that, some years later, Erasmus still urged the abolition of the rule of celibacy as the only practicable mode of removing the scandal.

Not long afterwards the Gallican Church made a strenuous effort of the same nature to check the spread of Lutheranism. In 1521, before it had to encounter a hostile heresy, the Council of Paris had deplored the pervading corruptions with exceeding candour. The condition of conventual discipline was such as to threaten the very existence of the system, and the customary denunciations of ineradicable abuses were freely published.[1] In 1528 the Cardinal-legate Duprat, Chancellor of France, held a council in Paris, where he condemned, seriatim, the new doctrines as heresies, and elevated the rule of celibacy to the dignity of a point of faith.[2] He also caused the adoption of a series of canons designed to remove from the Church the disgrace caused by the laxity of clerical morals and manners. The bishops were instructed to enforce the decrees of the councils and of the fathers until concubinage and incontinence should be completely exterminated, and a rule was laid down which would have been eventually effectual if conscientiously carried out. No one was there-

patrimonio Crucifixi nutrit, quo non sordida scorta, sed pauperes Christi forent sustentandi."—Concil. Colon. ann. 1527 (Hartzheim VI. 210–213).

So at the Council of Augsburg, in 1548, the orator dwelt upon the advantage which the heretics derived from the sins of the clergy: "Non estis nescii, quemadmodum nos hæretici apud populum perpetuo traducant: nos scortatores, nos ambitiosos, nos avaros, nos ignavos, et rudes esse, nos otio semper, luxui et ventri servire, identidem vociferantur . . . Superbe itaque illi: sed utinam non nimium sæpe vere: nam si vera potius hoc loco, quam plausibilia, dicenda sint; negare certe non possumus, quin maximam ad nos accusandos occasionem sæpe dederimus."—Concil. Augustan. ann. 1548 (Hartzheim VI. 388).

[1] Concil. Parisiens. ann. 1521 (Martene Ampl. Coll. VIII. 1018).

[2] Quisquis igitur contra sacrorum conciliorum et patrum decreta, sacerdotes, diaconos aut subdiaconos lege cœlibatus non teneri docuerit aut liberas illis concesserit nuptias, inter hæreticos, omni tergiversatione rejecta numeretur.—Concil. Paris. ann. 1528, Decret. 8.

This I think is the first authoritative promulgation of Damiani's doctrine, which, as we shall hereafter see, was adopted and extended by the Council of Trent.

after to be admitted to holy orders without written testimony as to his age and moral character from his parish priest, substantiated by the oaths of two or three approved witnesses.[1] At the same time similar councils were held at Bourges by the Cardinal Archbishop Tournon, and at Lyons by Claude, Bishop of Macon. To what extent these excellent rules were put in force may be guessed by a description of the French clergy in 1560, as portrayed by Monluc, Bishop of Valence, in a speech before the Royal Council. The parish priests were for the most part engrossed in worldly pursuits, and had obtained their preferment by illicit means, nor did there seem much prospect of an improvement so long as the prelates were in the habit of bestowing the benefices within their gift on their lackeys, barbers, cooks, and other serving men, rendering the ecclesiastics as a body an object of contempt to the people.[2] We need, therefore, not be surprised to find in the councils of the period a repetition of all the old injunctions, showing that the maintenance of improper consorts and the disgrace of priestly families were undiminished evils.[3] This description of the French clergy is most emphatically extended to the whole Church in the project for reformation drawn up by order of Paul III. in 1538, and to these evils are attributed the innumerable scandals which afflicted the faithful, as well as the contempt in which the ecclesiastical body was held and the virtual extinction of all reverence for the services of religion.[4] No improvement, however, was to be expected as long as a concubinary priest could obtain from the papal chancery for seven *gros tournois* letters of absolution and

1 Concil. Paris. ann. 1528, Decret. 8.

2 Pierre de la Place, Estat de Rel. et Rep. Liv. III.

3 Concil. Narbonnens. ann. 1551 can. 22 (Harduin. X. 468).

4 Consilium de Emend. Eccles. (Le Plat, Monument. Concil. Trident. II. 598).

dispensation which specially set aside the decrees of bishops and local councils.[1]

In 1530 Clement VII. addressed himself vigorously to the task of putting an end to the scandalous practice of hereditary transmission of benefices, which he describes as almost universal. A special bull was issued, prohibiting the children of priests or monks from enjoying any preferment in their father's benefices, and, recognising that the Roman Curia was one of the chief obstacles to all reform, he provided that if he or his successors should grant dispensations permitting such infraction of the canons, they should be considered as issued unwittingly, and be held null and void.[2] Like so many others, this bull seems to have been forgotten almost as soon as issued, and the pecuniary needs of the Roman court rendered it unable to abandon so lucrative a source of revenue. Even as soon as 1538 the cardinals to whom Paul III. committed the task of drawing up the project of reformation cautiously intimate that they hear of such dispensations being granted, and to this they attribute a large share of the troubles of the Church and the enmity felt towards the Holy See.[3] This warning passed unheeded, and, as we have seen, in 1559 a Scottish council prayed the Queen-regent to use her influence with the Pope to prevent dispensations being granted to enable illegitimate children to hold preferment in their fathers' benefices,[4] while in 1562 the frequency and readiness with which such dispensations were still

[1] Pro concubinario absoluto et dispensatio super irregularitate : et hoc contra provinciales et synodales constitutiones, g. vii.—Libellus Taxarum super quibusdam in Cancellaria Apostolica impetrandis, fol. 17a (White, Historical Library, Cornell University, A. 6124).

[2] Bull. ad Canonum (Mag. Pull. Roman. Ed. 1692, I. 682).

Alexander III., in prohibiting the sons of priests from enjoying their fathers' benefices, had permitted it if a third party intervened and a dispensation for the irregularity were obtained. The letter of this law was frequently observed, but its spirit eluded by nominally passing the preferment through the hands of a man of straw, and it was this abuse which Clement desired to eradicate.

[3] Consilium de Emend. Eccles. (Le Plat, Monument. Concil. Trident. II. 599.)

[4] Wilkins IV. 209.

obtained are enumerated in a list of abuses laid before the Council of Trent by Sebastian, King of Portugal, as one of the matters requiring reformation by the supreme power of the council.[1] To this and other similar appeals the papal legates loftily replied that laws were not to be prescribed to the Holy See;[2] and the motive for the refusal is easily comprehended when we see that in the "Taxes of the Penitentiary" the price for a dispensation admitting the bastard of a priest to holy orders was a ducat and a carlino.[3]

In Spain, Ribadeneira, the disciple of Ignatius Loyola, tells us that the priestly concubines were accustomed to pledge their faith to their consorts as if united in wedlock, and that they wore the distinguishing costume of married women, as though glorying in their shame, which so scandalised St. Ignatius, on his return, in 1535, to his native land, that he exerted his influence with the temporal authorities to procure the enactment and enforcement of sundry laws which relieved the Spanish Church of so great an opprobrium.[4] We may reasonably, however, doubt the success of his efforts. Some ten years later, Alphonso de Castro asserts that the priesthood was one of the efficient causes of the spread of heresy, and that

1 Le Plat, V. 88. The opinion which was held of the venality of the Roman court in such matters is forcibly expressed in the instructions given to Laussac, the French ambassador at Trent. He is ordered to press the abolition of the papal power of dispensation "attendu que nul n'en est refusé s'il a argent."—Ibid. p. 153.

2 Ejus sanctitati lex non sit præscribenda.—Ibid. p. 385.

3 Tax. Sac. Pœnitent. Ed. Gibbings, p. 13.—This was only one carlino (the tenth part of a ducat, equal to about fourpence) more than the charge for the bastard of a layman.

4 Ribadeneira, Vit. Ignat. Loyolæ, Lib. II. cap. v. From this it would appear that the custom of permanent unions, described by Bishop Pelayo two centuries earlier, was still flourishing. As stated above (p. 17), Ferdinand and Isabella, in repeated edicts, from 1480 to 1503, had endeavoured to put an end to notorious concubinage, by fining, scourging, and banishing the women (Novisima Recopilacion, Lib. XII. Tit. xxvi. leyes 3–5.—Coleccion de Cidulas, III. 113, Madrid, 1829), for the men were beyond their jurisdiction. Possibly it was these laws that Loyola sought to revive.

it would be difficult for orthodoxy to maintain itself without the direct interposition of God, in view of the scandalous lives and general worthlessness of all orders of ecclesiastics, whose excessive numbers, turpitude, and ignorance exposed them to contempt.[1] His contemporary, the canon lawyer Bernardius Déaz de Luzo, indeed, finds in the universality of concubinage a reason for its partial condonation, for, while deploring its frequency, he warns judges not to be over severe in its repression, since so few are found guiltless, and there is danger that those who are restrained from it may be forced into darker sins.[2] How difficult, under such circumstances, was any reform may be gathered from a memorial presented in 1556 to Philip II. by Inquisitor-General Valdés. He relates that when he became Archbishop of Seville, in 1546, he found the clergy and the dignitaries of the cathedral so demoralised that they had no shame in their children and grandchildren: their women lived with them openly as though married, and accompanied them to church, while many kept in their houses public gaming tables, which were the resort of disorderly characters. To remedy these evils he instituted vigorous measures of reform, but in this he was greatly impeded and put to much expense by appeals and suits in Rome and in Granada, and in the Royal Council and before apostolic judges.[3] In view of the facility with which absolutions and dispensations could be procured, it is easy to see how readily a persistent reformer could be embroiled with the Holy See.

About the same time Herman von Wied, Archbishop of Cologne, undertook the reformation of his extensive diocese. He assembled a council, which issued a series of 275 canons, prescribing minutely the functions, duties,

1 Alphonsi de Castro de justa Hæreticorum Punitione, Lib. III. cap. 5.

2 Díaz de Luco, Practica criminalis canonica, cap. lxxiii. (Venetiis, 1543.)

3 Archivo general de Simancas, Patronato Real, Inquisicion, Legajo unico fol. 76.

and obligations of all grades of the clergy. As regards the delicate subject of concubinage, he contented himself with quoting the Nicene canon prohibiting the residence of women not nearly connected by blood, and added that if the degeneracy of the times prevented the enforcement of a regulation so strict, at all events he forbade the companionship of females obnoxious to suspicion.[1] The good archbishop himself could hardly have expected that so mild an allocution would have much effect upon a perverse and hardened generation, but custom had so established itself that even the loftiest prelates shrank from encountering the risk attendant upon an attempt to enforce the canons. This is seen when, in 1537, Matthew, Archbishop of Salzburg, assembled his provincial synod, which, recognising the urgent necessity of preserving the Church and protecting the people, adopted a series of reformatory decrees. Afraid of promulgating them, it was resolved to suppress them for the present, under the pretext that the approaching General Council would regulate the discipline of the Church at large; and the archbishop contented himself with a pastoral letter addressed to his suffragans, in which he urged upon them to consider the contamination to which the laity were exposed through the vices of their pastors, and timidly suggested that, if the clergy could not restrain their passions, they should at all events indulge them secretly, so that scandal might be avoided and the punishment of their transgressions be left to an avenging God.[2]

This timidity finds its explanation in the report by the papal nuncio Morone of an interview, in 1542, with the Archbishop of Mainz, on the subject of the reform of

[1] Concil. Coloniens. ann. 1536, P. II. c. 28. Six years later, in 1542, Bishop Hermann embraced Lutheranism, married, and in 1546 was driven from his see and retired to his county of Wied, where he died some years afterwards, at the ripe age of 80 years.

[2] Concil. Salisburg. XLI. (Dalham, Concil. Salisburgens. pp. 296–322.)

the clergy, which was acknowledged to be the pressing question of the hour. The archbishop flatly admitted his impotence; until the Council should be held no reformation was possible. Priestly concubinage, he said, could not be suppressed without great scandals—in fact, persuasion was the only course open, for the clergy of Mainz, Trèves, and Cologne had formed so strong an organisation for mutual defence that they would all rise in resistance if the least of them were prosecuted.[1]

In the Council of Trent itself, the Bishop of St. Mark, in opening its proceedings with a speech, 6 January, 1546, drew a fearful picture of the corruption of the world, which had reached a degree that posterity might possibly equal but not exceed. This he assured the assembled fathers was attributable solely to the wickedness of the pastors, who drew their flocks with them into the abyss of sin. The Lutheran heresy had been provoked by their own guilt, and its suppression was only to be hoped for by their own reformation.[2] At a later session, the Bavarian orator, August Baumgartner, told the assembled fathers that the progress of the Reformation was attributable to the scandalous lives of the clergy, whose excesses he could not describe without offending the chaste ears of his auditory. He even asserted that out of a hundred priests there were not more than three or four who were not either married or concubinarians[3]—a statement repeated in a consultation on the subject of ecclesiastical reform drawn up in 1562 by order of the Emperor Ferdinand, with the addition that the clergy would rather see the whole structure of the Church destroyed than submit to even the most moderate measure of reform.[4]

1 Lämmer, Monumenta Vaticana Sæculi XVI. p. 412.

2 Acta Concil. Trident. (Martene Ampl. Coll. VIII. 1063–9.)

3 Sarpi, Istor. del Concilio Trident. Lib. VI. (Ed. Helmstad. II. 140).—*Cf.* Le Plat, V. 337–8.

4 Le Plat, V. 235.

It is not to be wondered therefore that the Christian world had long and earnestly demanded the convocation of an Œcumenic council which should represent all parties, should have full powers to reconcile all differences, and should give to the ancient Church the purification thus recognised as the only efficient means of healing the schism. This was a remedy to the last degree distasteful to the Holy See. The recollections of Constance and Basle were full of pregnant warnings as to the almost inevitable antagonism between the Vicegerent of Christ and an independent representative body, believing itself to act under the direct inspiration of the Holy Ghost, claiming autocratic supremacy in the Church, and convoked for the special purpose of reforming abuses the most of which were fruitful sources of revenue to the papal court. Such a body, if assembled in Germany, would be the Pope's master; if in Italy, his tool; and it behoved him to act warily if he desired to meet the unanimous demand of Christendom without risking the sacrifice of his most cherished prerogatives. Had the council been called in the early days of the Reformation, it could hardly have prevented the separation of the Churches; yet, in the temper which then existed, it would probably have effected as thorough a purification of the ecclesiastical establishment as was possible in so corrupt an age. By delaying it until the reactionary movement had fairly set in, the chances of troublesome puritans gaining the ascendency were greatly diminished, and the papal court exposed itself to little danger when, under the urgent pressure of the Emperor, it at length, in 1536, proposed to convoke the long desired assembly at Mantua.[1]

A place so completely under papal influence was not

1 Charles was careful to put on record his ceaseless endeavours with Clement and Paul to obtain the convocation of a council and the numberless promises made to him, for the evasion of which reasons were always found.—Commentaires de Charles-Quint, pp. 96–7 (Paris, 1862).

likely to meet the views of the opposition, and it is not surprising that both the Lutherans and Henry VIII. refused to connect themselves with such a council. The latter, indeed, in his epistle of 8 April, 1538, to Charles V., expressed himself more forcibly than elegantly :—" Nowe, if he [the Pope] calle us to one of his owne townes, we be afraid to be at suche an hostes table. We saye, Better to ryse a hungred, then to goo thense with oure bellyes fulle." [1] The formality of its opening, 17 May, 1537, was therefore an empty ceremony ; its transfer to Vicenza was little more ; and, as no delegates presented themselves up to 1 May, 1538, it was prorogued until Easter 1539, with the promise of selecting a satisfactory place for the meeting. The pressure still continued until, in May 1542, Paul finally convoked it to assemble at Trent. The Reformers were no better satisfied than before. They had so long professed their readiness to submit all the questions in dispute to a free and unbiassed general council, that they could not refuse absolutely to countenance it ; but they were now so completely established as a separate organisation that they had little to hope and everything to fear from the appeal which they had themselves provoked, and nothing which Rome could now offer would have brought them into willing attendance upon such a body.[2] They accordingly kept aloof, and on the assembling of the council, 22 November, 1542, its numbers were so scanty that it could accomplish nothing, and it was accordingly suspended in July 1543. When again convoked, 15 March, 1545, but twenty bishops and a few ambassadors were present ; these waited with what patience they might command for accessions, which were so tardy in arriving

[1] Select. Harl. Miscell., London, 1793, p. 137.

[2] The temper with which the Protestants now viewed the council is well expressed in a letter from Aonio Paleario written in 1542 or 1545, from Rome to Luther, Melanchthon, Bucer, and Calvin, urging them by no means to sanction the assembly with their presence—(Published by Illgen, 4to, Leipzig, 1833.)

that when at length the assembly was formally opened, on December 13, the number had increased by only five. For fifteen months the council continued its sessions, completely under the control of the Pope, and occupied for the most part with formulating as Catholic doctrine the speculations of the schoolmen, which thus far had been generally accepted without authoritative confirmation save incidentally at the Council of Florence in 1439. As these constituted the principal dogmas against which the Reformation was a protest, the labours of the fathers were directed, not to effect a reunion of the Church, but to erect an impassable barrier between Latin and Reformed Christianity.

The appeals of the German bishops and of the imperial ambassadors for some effective efforts at reform became at length too pressing, and to evade them, in March 1547, the council was transferred to Bologna, against the earnest protest of the Emperor and the Spaniards, who refused to follow.[1] At Bologna little was done except to dispute over the sharp protests of the Emperor and to adjourn the council from time to time, until, after falling into universal contempt, it was suspended in 1549. Julius III., who received the tiara on 22 February, 1550, signalised his accession by convoking it again at Trent; and there it once more assembled on 1 May, 1551.

At that time Lutheranism in Germany was under the heel of Charles V.; Maurice of Saxony was ripening his schemes of revolt, and concealing them with the dexterity in which he was unrivalled; it was the policy of both that Protestant theologians should take part in the discussions —of the one, that they should there receive their sentence; of the other, that their presence might assist in cloaking his

1 There is something very amusingly suggestive in the guarded manner in which Charles alludes to the translation of the Council: "O ditto Papa Paulo por respeitos, que o moveram (os quaes Deus permitta que forsem bons) tratton de avocar e transferir a Bolonha"—(Commentaires, p. 98.)

designs. The flight from Innsbruck, followed by the Transaction of Passau, changed the face of affairs. The Lutheran doctors rejoicingly shook the dust from their feet as they departed from Trent, complaining that they had been treated as criminals on trial, not as venerable members of a body assembled to decide the gravest questions relating to this life and that to come. Other symptoms of revolt among the Catholic nations were visible, and on 28 April, 1552, the council again broke up.[1]

Ten years passed away; the faithful impatiently demanded the continuation of the work which had only been commenced, and at last the pressure became so strong that Pius IV. was obliged to reassemble the council.[2] His bull bears date November 1560, but it was not until twenty years after Trent had witnessed the first convocation that the holy men again gathered within its walls, and on 18 January, 1562, the council resumed its oft-interrupted sessions. The states of the Augsburg Confession had been politely invited to participate in the proceedings, but they declined with the scantest of courtesy.[3]

During these long-protracted preliminaries there were times when those who sincerely desired the restoration of

1 That the complaints of the Protestants were well founded is evident from the secret instructions given, 20 February, 1552, by Julius III. to the Bishop of Monte Fiascone, when sending him as legate to Charles V. He was to explain to the Emperor that the council would not discuss the propositions of the heretics "nimirum quod judex non respondet parti, ne ex judice se partem constituat"; and he is further to explain that "petentes commune concilium hæretici et schismatici repellendi sunt a conciliis universalibus . . . nullo modo communicandum esse concilium cum hæreticis et schismaticis, qui sunt extra ecclesiam . . . sed bene possunt admitti, ut possint interesse pro convincendis etiam pluries eorum erroribus." —Le Plat, Monument. Concil. Trident. T. IV. p. 534–5.

2 The feeling entertained by Pius towards the council is shown by his remark, in December 1561, to M. de Lisle, the French ambassador, that it had been called simply for the benefit of France: "dautant que ledit concile, qui est de peu de besoin pour le reste de la chrestienté, superflu aux Catholiques et non desiré des papes" (Le Plat, Monument. Concil. Trident. IV. 742).

3 The characteristic correspondence is in Le Plat, IV. 678–87.

the Church could not restrain their impatience. In 1536, Paul III., who earnestly admitted the necessity of some reform, called to his aid nine of his prelates most eminent for virtue and piety, as a commission to prepare a scheme for internal reformation.[1] According to a papal historian, his object in this was to stop the mouths of the heretics who found in the Roman court an inexhaustible subject of declamation.[2] For two years the commission laboured at its work, and finally produced the "Consilium de emendanda ecclesia," to which allusion has been made above.

The stern and unbending Cardinal Caraffa was head of the commission, assisted by such men as Contarini, Sadoleto, and Reginald Pole. They seem to have been inspired with a sincere desire to root out the chief abuses which gave such power to the assaults of the Protestants, and the result of their labours affords us a picture of ecclesiastical corruptions almost as damaging to the Church as the complaints of the Diet of Nürnberg. As regards celibacy, they were disposed to make no concession; indeed, they protest against the facility with which men in holy orders were able to purchase from the Roman Curia dispensations to marry. It is significant, however, that they had so little confidence in the possibility of purifying the conventual religious Orders that they actually recommended their abolition. To prevent individual cases of suffering they proposed that the convents should not be immediately abolished, but that all novices should be discharged and no

[1] Charles declares that at the commencement of his pontificate Paul was earnestly desirous of reforming the abuses of the Church, but that his zeal rapidly diminished, and he followed the example of Clement in contenting himself with empty promises.—"Com tudo despois com o tempo aquellas mostras e ardor primeiro se foi esfriando, e seguindo os passos e exemplo do Papa Clemente, com boas palavras prolongon e entretene sempre a convoçáõ e ajuntamento do concilio" (Commentaires, p. 97).

[2] Per serrar la bocca agl' heretici i quali non facevano altro in voce et in scritto che dir male della corte di Roma.—Carraciolo, Vita di Paolo III. MS. Br. Mus. (Young, Life and Times of Aonio Paleario, I. 261.)

more be admitted, thus allowing the Orders to die out gradually, as had been done in Saxony; and meanwhile they urged that, to prevent further scandals, all nunneries should be removed from the supervision and direction of monks, and be handed over to the ordinaries.[1] The "Consilium," in fact, was so candid a confession of most of the abuses charged upon the Church by the reformers that Luther forthwith translated it and published it with a commentary, as an effective pamphlet in aid of his cause. Caraffa himself, after he had attained the papacy, under the name of Paul IV., quietly put his own work, in 1559, into the Index Librorum Prohibitorum.[2]

However earnest Paul may have been, the changes recommended in the "Consilium" attacked too many vested interests for even the papal power to give it effect. The project therefore was dropped, and only resulted in rendering still more clamorous the call for a reform in the head and members of the Church. As, moreover, it had shown the powerlessness of the papacy to overcome acknowledged abuses, the only hope of a radical change, such as was needful, was seen to lie in the untrammelled debates of a great assembly, which should meet as a parliament of the nations; and the prospect of this grew more and more distant. While the project of transferring the council from Trent was being matured, it occurred to the papal court that possibly the objections to that measure and the pressure on the council for a thorough reformation

[1] Concilium de Emendanda Ecclesia (Le Plat, Monument. Concil. Trident. II. 601, 602).

[2] It has been customarily stated by Catholic writers that this proceeding of Paul IV. was directed not against his own work, but against the heretically commentated editions, but in the Index of 1559 the entry is simply "Liber inscrip.: Consilium de emendanda ecclesia."—Reusch, Die Indices Librorum Prohibitorum, p. 194 (Tübingen, 1886).

Father Catalani, in his work on the Congregation of the Index, gives a detailed account of the affair. He does not pretend that the prohibition of the Consilium was directed against the heretic editions, and justifies it as the prudent suppression of matter that was dangerous.—Catalani de Secretario Congr. Indicis, pp. 45–50 (Roma, 1751).

might be averted by showing a disposition on the part of Rome to undertake the task of cleansing the Augean stable. It was also recognised as an important gain if the council could be confined to the harmless task of defining questions of faith, while the substantial powers involved in reforming the corruptions of the Church could be claimed and exercised by the Pope. Accordingly Pius III. drew up an elaborate bull designed to limit some of the more flagrant pecuniary abuses which existed, and exhorting the bishops to correct the morals of their subordinates. This was sent to the legates at Trent, but they and their confidants unanimously agreed that, in the existing temper of the council, the promulgation of such a document would be in the highest degree imprudent. It was accordingly suppressed, and only saw the light in the nineteenth century.[1] In its failure the Church lost but little, for it touched the evils of the time with a tender and hesitating hand, and would have proved utterly inefficacious.

At length, when shortly afterwards the unmannerly urgency of the Germans, clamouring for decided measures of reform, was met by the translation of the council to Bologna in 1547, and men despaired of further results from it, Charles V. resolved to take the matter into his own hands, and to effect, for his own dominions at least, that which had been vainly expected of the council for Christendom. The "Interim," which has already been alluded to, was intended to answer this purpose, as far as Lutheranism was concerned, in healing the breach of religion. The other great object of the council, the restoration of the neglected discipline of the Church, he attempted to effect by means of the secular authority of the empire acting on the regular machinery of the Teutonic ecclesiastical establishment. How utterly neglected that discipline had become is inferable from an expression in the important and carefully

[1] Published by Clausen, Copenhagen, 1829.

drawn project which had been laid by Charles before the Diet of Ratisbon in 1541, to the effect that if the canon requiring celibacy was to be enforced, it would be necessary also to revive those canons which punished incontinence, thus admitting that there existed no check whatever upon either priestly marriage or immorality.[1]

To accomplish this desirable revival of discipline he accordingly caused the adoption by the Diet of Augsburg of a code of reformation, well adapted, if enforced, to restore the long-forgotten purity of the Church, while at the same time it acknowledged that the degeneracy of the times rendered impossible the resuscitation of the ancient canons in their strictness. Thus, after reciting the canon of Neocæsarea (see Vol I.), it adds, that as such severity was now impracticable, those in holy orders convicted of impurity should be separated from their concubines, and visited with suspension from function and benefice proportioned to the gravity of the offence. A repetition of the fault was punishable with increased severity, and incorrigible sinners who were found to be incapable of reformation were finally to be deprived of their benefices. As concubines were threatened with immediate excommunication, it is evident that a severity was designed towards them which was not ventured on with respect to their more guilty partners. Relaxation of the rules is also observable in the section which, despite the Nicene canon, permitted the residence of women over forty years of age, whose character and conduct relieved them from suspicion.[2] The imperative injunctions of chastity laid upon the regular clergy, canons, and nuns show not only the determination to remove the prevailing scandals, but also the magnitude and extent of the evil.[3]

Nor was this all. Local councils were ordered for the

1 Lib. ad Ration. Concord. ineundam Art. XXII § 13 (Goldast. II. 199).
2 Formul. Reformat. cap. XVII. § 4 (Goldast II. 335).
3 Ibid. cap. III. § 1, cap. V. §§ 7, 9.

purpose of embodying these decrees in their statutes and of carrying out with energy the reformation so earnestly desired. Thus, in November 1548, about five months after the diet, a synod assembled at Augsburg, which inveighed bitterly against the unclerical dress and pomp of the clergy, their habits of drunkenness, gluttony, licentiousness, tavern-lounging, and general disregard of discipline; and adopted a canon embracing the regulations enacted by the Emperor.[1] The Archbishop of Trèves did not wait for his synod, but issued, October 30th, a mandate especially directed against concubinary priests, in which he announced his intention of carrying out the reform commanded by Charles. He could find no reason more self-evident for the dislike and contempt felt by the people for so many of the clergy than the immorality of their lives, differing little, except in legality, from open marriage. "This vice, existing everywhere throughout our diocese, in consequence of the licence of the times and the neglect of the officials, we must eradicate. Therefore all of you, of what grade soever, shall dismiss your concubines within nine days, removing them beyond the bounds of your parishes, and be no longer seen to associate with loose and wanton women. Those who neglect this order shall be suspended from office and benefice, their concubines shall be excommunicated, and they themselves be brought before our synod to be presently held." [2]

These were brave words, but when some three weeks later the synod had assembled, and the malefactors perchance brought before it, the good bishop found apparently that his flock was not disposed to submit quietly to the curtailment of privileges which had almost become imprescriptible. His tone accordingly was softened, for though he deprecated their immorality more strongly

1 Synod. Augustan. ann. 1548 c. 10.
2 Synod. Trevirens. ann. 1548.

than ever, and asserted his intention of enforcing his mandate, he condescended to argue at much length on the propriety of chastity, and even descended to entreaty, beseeching them to preserve the purity so essential to the character of the Church, the absence of which had drawn upon the clergy an odium which could scarce be described in words.[1] How slender was his success may be inferred from the fact that the next year he felt it necessary to hold another synod, in which he renewed and confirmed the proceedings of the former one, and endeavoured to reduce the monks and nuns of his diocese into some kind of subjection to the rules of discipline.[2]

The Archbishop of Cologne was as energetic as his brother of Trèves, with about equal success. On September 1st he issued the Augsburg Formula of Reformation, with a call for a synod to be held on October 2nd. At the same time he manifested his sense of the primary importance of correcting clerical immorality by promulgating a special mandate respecting concubinage. He asserted this to be the chief cause of the contempt popularly felt for the Church,[3] and he ordered all ecclesiastics to send their women beyond the bounds of their parishes within nine days, under the penalties provided in the imperial decree. The synod was held at the time indicated, and, though it adopted no regular canons, it accepted the Augsburg Formula and the mandate of the archbishop, with a trifling alteration.[4]

This proved utterly ineffectual, for in March 1549 he assembled a provincial council, in which he deplored the licence of the times, which rendered the strictness of

1 Synod. Trevirens. ann. 1548 cap. ii.

2 Synod. Trevirens. II. ann. 1549 cap. xi., xix.

3 Mandat. de abjic. Concub. (Hartzheim VI. 353.)

4 Ibid. p. 358. A diocesan synod was also held at Liége, November 15, which gave offending clerks fifteen days to part with their concubines (Ibid VI. 395).

the ancient canons unadvisable, and he announced that it had been decided to proceed gradually with the intended reforms. As to the morals of the clergy, he stated that everywhere the cure of souls was delegated to improper persons, many of them living in the foulness of concubinage, in perpetual drunkenness, and in other infamous vices, encouraged by the negligence of bishops and the thirst of archdeacons for unhallowed gains. The unions of those who, infected by the new heresies, did not hesitate to enter into matrimony, were of course pronounced illicit and impious, their offspring illegitimate, and the parents anathematised; but for those who remained in the Church, yet submitted to no restraint upon their passions, a more merciful spirit was shown, for the punishments ordered by the Diet of Augsburg were somewhat lightened in their favour. The extreme licence of the period may be understood from another canon directed against the comedians, who, not content with the ordinary theatres, were in the habit of visiting the nunneries, where their profane plays and amatory acting excited to unholy desires the virgins dedicated to God.[1] No one acquainted with the coarseness of the drama of that rude age can doubt the propriety of the archbishop's reproof. Supplementary synods were also held, in October 1549 and February 1550, to perfect the details of a very thorough inquisitorial visitation of the whole province.

This visitation, so pompously heralded, did not take place. At a synod held in October 1550 the archbishop made sundry lame excuses for its postponement. Another synod was assembled in February 1551, at which we hear nothing more of it; but the prelates of the diocese were requested to collect such ancient and forgotten canons as they could find, which might be deemed advantageous

1 Concil. Coloniens. ann. 1549 cap. Quibus possint.—Cap. de Monach. conjugat. Cap. de Concub. Monach.—Cap. Comœdias.

in the future;[1] and with this the work of reformation in the province of Cologne appears to end.

In 1549, Ernest, Archbishop of Salzburg, assembled the synod of his extensive province, but when his clergy understood that it was intended to confirm the reformatory edict of the Emperor, they had the audacity to present a petition praying that the clause ordering the removal of their concubines should not be enforced. They declared that the attempt to do so would be attended with serious difficulty, and that it would lead to greater evils than it sought to remove, and they asked that the consideration of the matter should be referred to the general council, whose reassembling was no longer dreaded. The synod, with a proper sense of its dignity, refused to receive the shameless petition, and listened rather to those of its members who complained of the practice of the officials in receiving bribes for permitting illicit indulgences, and the representations of Duke William, of Bavaria, who asserted that the Lutheran heresy had been caused by the scandalous corruption of the Church. A canon was accordingly adopted which renewed the regulations of Basle and ordered the speedy removal of all recognised and notorious concubines.[2]

In October and November 1548, and April 1549, the Bishops of Paderborn, Wurzburg, and Strassburg held synods which adopted the reformatory measures decreed at Augsburg.[3] These were preparatory to the metropolitan synod of Mainz, assembled in May 1549, which commanded that no one should be thereafter admitted to

1 Hartzheim VI. 767, 781.

2 Dalham; Concil. Salisburg. pp. 328, 337 (Concil. Salisburg. XLIV. can. vii.).

3 Gropp, Collect. Script. Wirceburg. I. 311.—Hartzheim VI. 359, 417. In the epistle convoking his council, Bishop Melchior of Wurzburg alluded passionately to the evils everywhere existing: "Videtis percussum pastorem; videtis oves dispersas; videtis impudentem peccandi licentiam; videtis adversus pietatem audaciam tum loquendi tum disputandi impiissimam, et indies scelerata gliscere schismata" (Ibid. X. 753).

orders without a preliminary examination by his bishop on the subject of doctrine, and testimonials from the people as to purity of character. After thus wisely providing for the future, attention was directed to the present. It was declared intolerable that, in spite of the reiterated prohibitions of the fathers and councils, concubines should be universally kept; the Basilian canon was therefore revived, and its enforcement strictly enjoined on the ordinaries, who were forbidden in any manner to connive at these disorders for the sake of profit.[1]

The pressure was continued, for when Cambrai, which owed temporal obedience to the Emperor, while ecclesiastically it formed part of the province of Rheims, neglected to adopt the Formula of Augsburg for two years, it was not allowed to escape. In October 1550 a synod was finally assembled there under stringent orders from Charles, and the Formula was published, together with an elaborate series of canons which would have been well adapted to correct abuses that were not incorrigible.[2]

Charles had thus exerted all the resources of his imperial supremacy, and, whether willingly or not, the powerful prelates who ruled the German Church had united in carrying out his views. The temporal and spiritual authorities had thus been concentrated upon the vices of the Church, and if its reformation had been possible, in the existing condition of its organisation, some improvement must have resulted from these combined and persistent efforts. How nugatory were the results may be guessed from a memorial presented in 1558, by the University of Louvain, to Philip II., exhorting him to grant no toleration to the heretics, but at the same time urging upon him the absolute necessity of some compre-

1 Concil. Mogunt. ann. 1549 c. 82, 102.
2 Synod. Camerac. ann. 1550 (Hartzheim VI. 654).

hensive system of reform to purify the Church, all the orders of which were given over utterly to the twin vices of avarice and licentiousness.[1] The same testimony is borne by a consultation drawn up in 1562 by order of the Emperor Ferdinand. After alluding to the efforts at reform made by Paul III. and Charles V., it declares that their only result has been to make the condition of clerical morality worse than before, exciting the hatred of the people for their priests to an incredible pitch, and doing more to inflame the ardour of heresy than all the teaching of Christian truth can do to restrain it.[2]

As the failure of all efforts to improve clerical morality under the existing rules of discipline was thus found to be complete, there arose in the minds of thinking men a conviction, such as Erasmus had already declared, that, since all other measures had proved fruitless, the only mode of securing a virtuous clergy was to remove the prohibition of marriage. At the Polish Diet of 1552 petitions praying for sacerdotal matrimony were presented, and, though they failed in their object, the Diet of 1556 authorised King Sigismund Augustus to address Paul IV. with a request, in the name of the nation, to grant it as well as communion in both elements.[3]

The dissension thus existing within the Church is exhibited in a volume published in 1558 by Stanislas Hosius, Bishop of Ermeland, earnestly arguing against communion in both elements, clerical marriage, and the use of the vulgar tongue in worship. As regards celibacy, he assumes that it had been maintained unbrokenly for

1 Le Plat, Monument. Concil. Trident. IV. 611.

2 Consult. Imp. Ferdinand (Le Plat, V. 235). It would be impossible to conceive a darker picture of clerical life than is given in this document. "Ejici autem nunc clerum, conculcari pedibus, pro nihilo haberi et tanquam publicum offendiculum devoveri diris aut paulo plus, tam verum est quam minime falsum, cleri mores insulsos esse, vanos esse, turpes esse, æque ecclesiæ perniciosos ac Deo execrabiles"—Ibid. p. 237.

3 Krasinski, Reformation in Poland, I. 190, 285.

fifteen hundred years, and was not now to be abandoned to gratify a few disorderly monks. The example of the Greek Church he meets by pointing out that the Greeks were suffered to be persecuted by the Turks; the argument that marriage would purify the Church he silences with the observation that many married men are adulterers; and he holds it to be a doubting of God to suppose that the gift of continence would be denied to those who properly seek it.[1] In spite of the logic of polemics such as Hosius, the opinions of the innovators continued to gain ground, until at length they won even the highest dignitaries of the empire, and in 1560 the Emperor Ferdinand himself undertook their advocacy with the Pope, after having for some years countenanced the practice within his own territories.

Almost immediately on the consecration of Pius IV., in addressing to him an argument for the reassembling of the Council of Trent, or the convocation of a new council, Ferdinand seized the opportunity to ask especially for the communication of the cup to the laity, and permission for the clergy to marry. The latter of these points he considered to be the only remedy for the fearful immorality of the Church, for, though all flesh was corrupt, the corruption of the priesthood surpassed that of all other men.[2] That he had not waited for the papal assent to

[1] Hosii Dialogus de ea num Calicem Laicis et Uxores Sacerdotibus permitti, etc. Dilingæ, 1558.

[2] Pallavicini, Storia del Concil. di Trento, Lib. XIV. c. 13.

Twelve years before, his uncle, the Bishop of Liége, in promulgating the Augsburg formula of reformation, had made a similar assertion: "Preterquam quod hoc infœlici sæculo, quo omnis caro corrupit viam suam, præsertimque ordo clericorum et ecclesiasticorum, nimium degenerant, plus quam unquam est necessaria"—Concil. Leodiens. ann. 1548 (Hartzheim VI. 392). The increased emphasis of Ferdinand is a measure of the success which had attended the reformatory movements of Charles V. during the interval.

In such a condition of ecclesiastical morality it is no wonder that even in orthodox Vienna the most popular theme on which preachers could expatiate was the corruption of the Church.—See the Emperor Ferdinand's secret instructions to his envoy in Rome, March 6, 1560, in Le Plat, Monument. Concil. Trident. IV. 622.

favour these innovations within his own dominions is shown by his statement that the Archbishop of Salzburg had recently, in a synod, earnestly called upon him to put a stop to the progress which they were making, but, he added, his long experience in such matters had shown him what was possible and what impossible, and he had accordingly set forth the difficulties of the task in a paper addressed to the archbishop, a copy of which he enclosed to the Pope.[1]

The nuncio Commendone, in transmitting this document to Rome, accompanied it with a letter from the Cardinal Bishop of Augsburg, recommending the postponement of the question until the reassembling of the Council of Trent, and, as Pius answered it in this sense, no further action was taken, though Ferdinand made haste to repeat his demand, in view of the impatience of both clergy and people, who could ill brook the delays inseparable from the discussion of the subject in so unwieldy a body.[2] When Commendone, moreover, passed through Cleves on his way to the council, then about to be reopened, the Duke of Cleves earnestly besought him to lend his influence to the accomplishment of the measure, urging as a reason that in the whole of his dominions—and he was sovereign of three populous duchies—there could not be found five priests who did not keep concubines. In order to secure his favour for the approaching council, Commendone did not scruple to hold out expectations that the concessions would be granted.[3]

During the progress of the Reformation, when the fate of the Catholic Church of Germany had sometimes seemed

1 Pallavicini, loc. cit. That the Catholic Church of Germany had become widely infected with this Lutheran heresy is also shown by the fact that in 1548 the Archbishop of Cologne had found it necessary to prohibit throughout his province all marriages of priests, monks, and nuns, and had pronounced illegitimate the offspring of such unions.—Hartzheim VI. 357.

2 Le Plat, Monument. Concil. Trident. IV. 644.

3 Pallavicini, Lib. XV. c. 5.—The duke, though no bigot, was a good Catholic.

to hang in the balance, no princes had earned a larger title to the gratitude of Rome than the powerful Dukes of Bavaria, who were the leaders of the reaction. Yet now the influence of that important region was thrown in favour of the abrogation of celibacy, and Duke Albert was the first who boldly brought the matter before the council by a demand for ecclesiastical marriage, presented on 27 June, 1562. To this the evasive answer was returned that the council would take such action as would be found to redound to the glory of God and to the benefit of the Church.[1] During the same year the Emperor Ferdinand also repeatedly urged its consideration. A plan for the reform of the Church presented by his delegates not only called attention to the necessity of purifying the morals of the regular and secular clergy, but demanded that, to some nations at least, the privilege of sacerdotal marriage should be conceded.[2] Another elaborate paper argued the question with much temperate force, and declared that many priests had already married for the purpose of escaping the corruptions of celibacy, while studiously preserving themselves from the errors of Lutheranism. Out of a hundred parish priests scarcely one could be found who was not either openly or secretly married, and it was necessary to tolerate them to prevent the utter destruction of the Church.[3]

A third document is extant, without date, which was laid before the cardinals of the papal court by the Emperor, in which the question was argued at considerable length and with much vehemence. After asserting that, from the records of the primitive Church, celibacy was not then recognised as imperative, it proceeded to declare that if

1 Pallavicini, Lib. XVII. c. 4. At the request of Duke Albert, the question was also mooted at the provincial synod of Salzburg, held in 1562 for the purpose of sending delegates to Trent.—Hartzheim VII. 230.

2 Articuli de Reform. Eccles. No. 14, 15, 18.—Goldast. II. 376.

3 Consultat. Imp. Ferdinandi (Le Plat, V. 249, 252).

marriage ever were permissible, the present carnal and licentious age rendered it a necessity, for not one Catholic priest out of fifty could be found who lived chastely. All were asserted to be notoriously dissolute, scandalising the people and inflicting great damage on the Church. The request was made not so much to satisfy the priests who desired marriage as to meet the wishes of the laity, for many patrons of livings refused presentation to all but married men. However preferable a single life might be for the clergy, it therefore was thought better to give it up than to leave open the door to the scandalous impurities traceable to celibacy. Another weighty reason was alleged in the great scarcity of priests, caused alone by the prohibition of marriage, in proof of which it was urged that the Catholic schools of divinity were all but empty and the episcopal function of ordination nearly disused, while the Lutheran colleges were crowded by those who subsequently obtained admission into the true Church, where they worked incredible mischief. The argument that the temporal possessions of the Church would be imperilled by sacerdotal matrimony was met by indignantly denouncing the worldly wisdom which would protect such perishable interests at the cost of innumerable souls sacrificed by the existing condition of affairs. For these and other reasons it asked that marriage should in future be allowed to all the priesthood, whether already in orders or to be subsequently admitted: that married men of good character and education should be ordained to supply the want of pastors: that those who had contracted matrimony, in contravention of the canons, should no longer be ejected, seeing that it was most absurd to turn out men because they were married, while retaining notorious concubinarians, and that if, with equal justice, both classes should be dismissed, the people would be left almost, if not entirely, destitute of spiritual guides. The paper concluded by asserting that if the prayer be

granted the clergy could be retained in the Church and in the faith, to the great benefit of their flocks, and that the scandal of promiscuous licentiousness, which had involved the Church in so much disgrace, would be removed.[1]

This vivid sketch of the condition of the church, with the evils which were everywhere felt, and the remedies which suggested themselves to clear-sighted and impartial men, was as ineffectual as other similar efforts had been, for to all such arguments the Council of Trent was deaf. France, too, was more than willing to see celibacy abolished. M. de Lanssac, the French ambassador, was ordered to place himself in close relations with the representatives of the Emperor, and to unite with them in seeking the relaxation of all regulations which tended to prevent the reunion of the Protestants, while the Gallican bishops were commanded to show themselves reasonable and yielding in such matters: and when Lanssac reported the demands of the Emperor, comprehending clerical marriage among other changes, Charles IX. assented to them in terms of warm commendation.[2] The Cardinal of Lorraine, moreover, was instructed to urge some measures efficient to reform the licentious lives of the ecclesiastics, which spread corruption and debauchery among the people, while permission for priestly marriage was recommended as one of the means essential to recall the heretics to the bosom of the true Church.[3] As a compromise, however, the French prelates contented themselves with suggesting that none but elderly men should be eligible to the priesthood, and that the testimony of the people in favour of

1 Considerat. Cæsar. Majest. sup. Matrim. Sacerd. Nos. 6, 7, 8, 10, 11, 12, 13, 15, 16, 17 (Goldast. II. 382–3—Le Plat, VI. 315).

The scarcity of priests in Germany, with resulting neglect of religion, was no new thing, and had been strongly represented in 1542 by the nuncio Morone. He attributed it to the popular contempt felt for ecclesiastics, and said that, although some bishops maintained training seminaries, the scholars, when they acquired a little learning, mostly became Lutherans.—Lämmer, Monumentt. Vaticana p. 398.

2 Le Plat, V. 154, 208, 211.

3 Ibid. 562–3.

their moral character should be a prerequisite to ordination, in hopes that by such means the necessary purification of the clergy at least could be effected, while the sharpest measures should be adopted to punish their licentiousness.[1]

All this was useless, and, in fact, it is difficult to imagine how any one could expect a reform of this nature from a body composed of prelates all of whom were obliged by Pius IV., in a decree of 4 September, 1560, to solemnly swear to a profession of faith containing a specific declaration that the vows of chastity inferred on entering into holy orders, or assumed in embracing monastic life, were to be strictly observed and enforced.[2] The question thus was prejudged, and the council was more likely to listen to Bartholomew a Martyribus, the Archbishop of Bracara, who laid before them a paper containing the points which, in his opinion, required reformation, among which were the revival of the canons respecting concubinary bishops and priests, the prohibition of sons succeeding to their fathers' benefices, and the excommunication of confessors who debauched their fair penitents[3]—though when the sturdy archbishop in a stormy debate declared that "illustrissimi cardinales egent illustrissima reformatione," he doubtless was held to be a most uncourtly and impracticable reformer.

Despite all the urgency from without, it was not until 8 February, 1563, after the council had been in session for more than a year, that the theologians at last arranged for disputation the articles on matrimony, and laid them before the council for discussion. They were divided into five

1 Capi dati da' Francesi cap. 1.—(Baluz. et Mansi IV. 374) Comp. Zaccaria, pp. 133–4.

2 Votum castitatis sacris ordinibus conjunctum, atque vota quæ in probatis religionibus emittuntur, et alia quæcunque rite suscepta, fideliter sunt observanda.—Le Plat, IV. 649.

3 Ibid. IV. 756, 760, 761, 765.—The 182 articles which, according to Archbishop Bartholomew, required reform in the internal discipline of the Church form as damaging a commentary upon its condition as any of the attacks of the Protestants.

classes, of which the fourth was devoted to the bearing of the subject on the clergy, consisting of two propositions—the fifth and sixth—artfully drawn up to justify rejection, while preserving the appearance of presenting the subject for deliberation—That matrimony was preferable to celibacy, and that God bestowed grace on the married rather than on the single.—That the priests of the Western Church could lawfully contract marriage, notwithstanding the canons ; that to deny this was to condemn matrimony, and that all were at liberty to marry who did not feel themselves graced with the gift of chastity.[1]

The disputation on the various questions connected with matrimony commenced the next day, and was continued at intervals for six months. Meanwhile there were negotiations on foot between Rome and Vienna, negotiations complicated by various factors. The Pope and the Curia were wrathful at the reforms enacted and projected by the council, and were anxious to dissolve it at any cost, while the Emperor Ferdinand was resolved to prolong its sessions until he should obtain his desires. Then he had had his son Maximilian, King of Bohemia, elected as King of the Romans, 24 November, 1562, sorely against the will of Pius IV., who had vainly threatened to deprive the Lutheran electors of their votes and then secretly to restore them on condition of their electing Philip II. of Spain. Failing in this, as the Holy See claimed the right of confirming the election, he demanded that Maximilian should take an oath practically of allegiance to Rome, which was naturally refused. Maximilian, in fact, had long been suspected of Lutheran proclivities ; in 1557 we find him described as keeping a married Lutheran preacher, while the most influential members of his court were Lutherans, and he felt the necessity of friendly relations with the

1 Art. v.—Lettere del Arcivesc. Calini (Baluz et Mansi IV. 295).—Le Plat, V. 674.

Lutheran princes, whose support was indispensable against the Turk. The ecclesiastical electors (Mainz, Trèves, and Cologne) had hesitated to give him their votes till they had assurances which satisfied them, but not the more incredulous Curia. Philip II. seems to have had no aspirations for the imperial crown, but he was fanatically opposed to any concessions to the heretics, whether these concerned the use of the cup or priestly marriage, and through his representatives at Rome and Trent he ceaselessly brought to bear against them the utmost weight of his great influence.[1]

Our knowledge of the moves in this complicated game is but fragmentary. We hear of a letter, in April 1562, in which Ferdinand claims priestly marriage as a thing promised to him by Pius in order to have an end put to the council, and other letters in which he threatens that if his requests are denied he will assemble a national council and proclaim an Interim worse than that of Charles V.; or else that Germany would withdraw from the Roman obedience, as there was no other remedy to satisfy his people. These threats greatly troubled the Pope, who begged Philip to send to Germany a personage of importance to represent that if Ferdinand separated himself from the Holy See he would become a heretic and his children would be incapacitated from inheriting his dominions. Not relying on Philip's intervention, in May he sent Cardinal Morone ostensibly as legate to the council, but with instructions to tarry there only twenty-four hours, and hasten to Vienna. In reporting this to Philip, his ambassador Vargas expresses the liveliest apprehensions that it would result in the concession of the cup to the laity and marriage to priests, so earnestly demanded by the Germans and

[1] Döllinger, Beiträge zur politischen, kirchlichen und Cultur-Geschichte, I. 241–3, 329–40, 397–8, 526–9, 554 (Regensburg, 1862).

This is a series of despatches between Philip and his envoys which throw much light on the secret history of this tortuous diplomacy.

French, for the Pope had shown himself so yielding and so inclined to make the grant, and he could readily control the council if he did not care himself to take the responsibility of what would set the world ablaze. What terms were reached between Ferdinand and Morone it would be impossible to say, but that a bargain was concluded was generally understood. In fact, in March 1564 Pius admitted in consistory that he had made promises to Ferdinand in order to hasten the dissolution of the council.[1] Possibly it was in concert with this that, as reported in August 1563 by the nuncio Delfini from Vienna, the three ecclesiastical electors, the Archbishop of Salzburg, and the Duke of Bavaria held a conference, in which it was resolved to unite with the Emperor in an appeal for bulls permitting priestly marriage and communion in both elements.[2] In pursuance of this, early in September Ferdinand wrote to his ambassadors at Trent that he had called together in Vienna the deputies of the electors and princes of the empire, who, after mature deliberation, had determined to ask these concessions of the Pope and not of the council. He enclosed a protocol of the demand, but as it was not fully settled, it was to be communicated to no one but to Philip's ambassador, the Count of Luna, whereupon Philip persuaded him to withhold it until after the council should be dissolved.[3] A further move in the game, with the same purpose, was a promise, later in the autumn, by Pius, that when the council should be out of the way he

1 Döllinger, op. cit. pp. 523, 545–6, 555.

2 Lettere del Nunzio Visconti, n. LXIX (Ed. Amstelod. II. 299). This and the concluding letters are not in Mansi's edition.

Sarpi tells us (Istoria del Concilio Tridentino, Lib. VIII. Ed. Helmstat, II. 315) that in the spring of 1563 the Bavarians rose in revolt and demanded the cup and priestly marriage, when the Duke was obliged to make a promise to his Diet that, if the concessions were not made in June by either the council or the Pope he would himself grant them. The threatened defection of this Catholic stronghold caused such alarm that the legates despatched Niccolo Ormanetto to the Duke to induce him to withdraw his promise, under a pledge that the council would take such action as would satisfy his people.

3 Pallavicini, Lib. XXII. cap. 10.—Döllinger, I. 568.

would send a legate, with full powers to dispense in the matters of the cup, of clerical marriage, and of the retention of Church lands, while Maximilian should treat with the Protestants for their return to the Church under these concessions.[1]

Evidently the honest Germans were ill fitted to cope with Italian diplomacy. Relying on papal promises, they held their hands off from the council, which enabled the Pope to control it absolutely through his legates.[2] Accordingly it went on its accustomed way to render the breach with Protestantism as impassable as possible. Pallavicini doubtless correctly represents its views when he remarks, concerning the princes who exerted themselves to secure sacerdotal marriage, that they seemed to consider that the council had been convoked for the purpose not of condemning but of contenting the heretics, whom they proposed to convert by gratifying in place of repressing their contumacious desires.[3]

The result of thus skilfully shielding the council from all pressure from Germany and France was that the question of retaining sacerdotal celibacy was prevented from becoming the subject of serious debate. This, indeed, was a foregone conclusion. In the minute account, transmitted from day to day by Archbishop Calini to Cardinal Cornaro, in which all the details of internal discussion and external intrigue attainable by a quick-witted member of the council were reported, there is no allusion to the matter. No debates or diversity of opinion are mentioned, no intimation that the matter was regarded as open to a doubt, and even the appeals made by the Emperor and other potentates are passed over in

[1] Döllinger, I. 538.

[2] Vargas, writing to Philip, 20 May, 1563, when he was fearing that the Pope would yield, describes the ease with which he could control the council: "Sin tener los pobres hombres mas boca y vigor que lo que los dichus legadas quieren ó insinuan como muchas veces ha dicho, y que genero de gentes son aquellas."—Ibid. p. 523.

[3] Pallavicini, Lib. XVII. cap. 4.

silence, for the very sufficient reason that the papal legates, who controlled all the business of the council, refused to allow them to be read.[1] In their reply to the Emperor's remonstrances, indeed, they declared that to have such a subject publicly broached in the council would create a fearful scandal throughout Christendom, and Pius IV. approved of their answer as the best that could be given.[2] It is no wonder, therefore, that in the correspondence of the nuncio Visconti the only allusion to the matter is a simple reference, under date of 22 March, 1563, to the demand previously made by the Duke of Bavaria.[3]

In fact, when, on March 4, the 5th and 6th articles were reached, they were both unanimously pronounced heretical without any prolonged debate. Doctor Juan de Ludeña pronounced a "disputation" on the subject, the tone of which showed that the result was already decided, and that the only disposition of the council was to vilify those who desired the abrogation of celibacy.[4] A discussion, however, then arose as to the power of the Pope to dispense the clergy, both regular and secular, from the obligation of celibacy, and on this point there was considerable diversity of opinion, occupying numerous successive meetings in its settlement. The majority were in favour of the papal power, and its exercise in the existing condition of the Church was even recommended by those who recognised the evils of the system, but shrank from the responsibility of themselves introducing the innovation.

1 See the apologetic letter of the nuncio to the Emperor, 19 January, 1562 (Le Plat, op. cit. V. 320). Ferdinand remonstrated earnestly, but did not venture to rebel against their decision (Ibid. 351–60).

2 Ibid. p. 388.

3 Lettere del Nunzio Visconti (Baluz. et Mansi, III. 453).

4 Disputat. Joann. de Ludegna (Harduin. X. 359). The learned doctor presents his argument in the form of a colloquy between himself and Calvin, and its spirit may be gathered from the first speech of Calvin, in which he is made to declare that he is endeavouring to find arguments with which to defend himself and his apostate strumpets.

This was promptly rebuked by the conservatives, according to Fra Paolo, with the remark that a prudent physician would not attempt to cure one disease by bringing on a greater.[1] It was not, however, until November 11 that the canons on matrimony were finally adopted and formally published. Of these there are two relating to our subject. The first one pronounced the dread anathema on all who should dare to assert that clerks in holy orders, monks, or nuns could contract marriage, or that such a marriage was valid, since God would not deny the gift of chastity to those who rightly sought it, nor would He expose us to temptation beyond our strength. The other similarly anathematised all who dared to assert that the married state was more worthy than virginity, or that it was not better to live in celibacy than married.[2] In the preliminary congregation, held October 13, they had been adopted without a dissenting voice, save that the Archbishop of Sens and the Bishop of Verdun desired the words "non obstante lege ecclesiastica vel voto" to be omitted from the ninth canon.[3] The tenth canon, though directed against the Protestants, was by no means uncalled-for among Catholics. About this period the Spanish Inquisition commenced to treat as a heresy the assertion that the married state is preferable to the celibacy prescribed for the clergy, when the number of cases which speedily appeared in the records and continued for nearly a century

1 Sarpi, Lib. VII. (Opere, II. 280.)

2 Concil. Trident. Sess. XXIV. De Sacrament. Matrimon.

Can. IX. Si quis dixerit clericos in sacris ordinibus constitutos, vel regulares castitatem solemniter professos, posse matrimonium contrahere, contractumque validum esse, non obstante lege ecclesiastica vel voto ; et oppositum nihil aliud esse quam damnare matrimonium ; posseque omnes contrahere matrimonium, qui non sentiunt se castitatis, etiamsi eam voverint, habere donum ; anathema sit ; quum Deus id recte petentibus non deneget, nec patiatur nos supra id quod possumus tentari.

Can. X. Si quis dixerit statum conjugalem anteponendum esse statui virginitatis vel cœlibatus, et non esse melius ac beatius manere in virginitate aut cœlibatu, quam jungi matrimonio, anathema sit.

3 Theiner, Acta genuina Concilii Tridentini, II., 428, 429 (Zagrabice, 1874).

show how widely spread and persistent among the people was this belief.[1]

Thus, while keeping the Germans and French quiet with delusive promises, the Church devoted its energies to the miserable task of separating itself as widely as possible from those who had left it. Its rulers seemed to imagine that their only hope of safety lay in entrenching themselves behind the exaggerations of those particular points of policy which had afforded to their adversaries the fairest chances of attack. The faithful throughout Germany might suffer from the absence of the ministers of Christ, or might endure yet more from the unrestrained passions of wolves in sheep's clothing let loose among their wives and daughters, but the Church militant in this conjuncture dreaded even more to lose the aid of that monastic army which, in theory at least, had no earthly object but the service of St. Peter; it selfishly feared that the parish priest who might legitimately see his fireside surrounded by a happy group of wife and children would lose the devotion which a man without ties should entertain for the prosperity and glory of the ecclesiastical establishment; and perhaps, more than all, it saw with terror avaricious princes eager for the secularisation of that immense property to which it owed so large a portion of the splendour which dazzled mankind, of the influence which rendered it powerful, and of the luxury which made its high places attractive to the ambitious and able men who controlled its destiny. To put an end, therefore, at once and for ever, to the mutterings of dissatisfaction among those who compared the domestic life of the Protestant pastors with the reckless self-indulgence of the ministers of the old religion, it was resolved to place the canon of celibacy in a position where none of the orthodox should dare to attack it, and to accomplish this the simple

[1] See the author's History of the Inquisition of Spain, vol. iv. p. 144.

rule of discipline was elevated to the dignity of a point of belief. As the Church had already been forced, in defending the rule from the assaults of the Reformers, to attribute to it apostolic origin, we may not perhaps be surprised that it was made a point of doctrine, but we cannot easily appreciate the reasons that would justify the anathema launched against all who regarded the marriage of those in holy orders as binding. The dissolution of such marriages, as we have seen, was not suggested until the middle of the twelfth century, and the decision of the council thus condemned as heretics the whole body of the Church during three-quarters of its previous existence.

Although the doctrinal canon threw the responsibility of priestly unchastity upon God, yet as the council had so peremptorily refused to adopt the remedy urged by the princes of the empire, it did not hesitate to employ human means to remove, if possible, the scandals which God had had permitted to afflict the Church. The decree of reformation, published in December 1563, contained provisions intended to curb the vice which the Tridentine fathers, with all their reliance on Divine power, well knew to be ineradicable. These provisions, however, were little more than a repetition of what we have seen enacted in every century since Siricius. Any ecclesiastic guilty of keeping a concubine, or woman liable to suspicion, was admonished; disregarding this first warning, he was deprived of one-third of his revenue; if still contumacious, suspension from functions and benefice followed; and a persistence in guilt was then visited with irrevocable deprivation. No appeal from a sentence could gain exemption; these cases were removed from the jurisdiction of inferior officials and confided to the bishops, who were enjoined to be prompt and severe in their decisions; while guilty bishops were liable to suspension by their provincial synods, and, if irreclaimable, were sent to Rome for punishment. The

illegitimate children of priests were pronounced incapable of preferment. Those already in orders, if employed in their fathers' parishes, were required, under pain of deprivation, to exchange their positions within three months for preferment elsewhere, and any provision made by a clerical parent for the benefit of his children was pronounced to be a fraud.[1]

Such were the regulations which this great general council of the Catholic Church considered sufficient to relieve the establishment of the curse which had hung around it for a thousand years. There is nothing in them that had not been tried a hundred times before, with what success the foregoing pages may attest. In some respects, indeed, they were not as prompt and efficacious as the decrees which Charles V. and his bishops had promulgated a few years previous, and which had proved so lamentably inefficient. There were not wanting enlightened members of the council who bitterly felt the inefficiency of what they were doing, but the undignified haste of the closing sessions, and the domination of Rome, rendered them unable to accomplish more. As the Bishop of Astorga said in a letter to Granvelle, "They are not as we would have wished, to correct the abuses and scandals of the Church, which cause so many to fall into error, but we have to do what we are permitted to do, not what we would wish to do."[2] Heretics, indeed, who asserted that there was in reality no intention of suppressing concubinage, could point in justification to the curious fact that, while previous councils had provided heavy penalties against the concubines of priests, that of Trent passed them over as though they were guiltless.

Within two months after the dissolution of the council,

[1] Concil. Trident. Sess. XXV. Decret. de Reformat. cap. 14, 15.

[2] Ma noi facciamo quello che ci si permette di fare, non quello che vorremmo.—Examinatore, Firenze, 1868, p. 15.

Ferdinand and Albert of Bavaria presented to the Pope their requests, which were more moderate than might have been expected. The two papers were essentially the same. In the name of the princes of the empire, after demanding the communion in both elements for the laity, they proceeded to argue earnestly for the other concession. In place of asking, as before, the privilege for the clergy at large, they now reduced their entreaties to the simple request of allowing such Catholic priests as had entered into matrimony to retain their wives and perform their functions, which they assured the Pope was absolutely essential to the preservation of the fragments of the Church still doing battle with the prevailing heresies throughout Germany.[1] They likewise asked

[1] Goldast. II. 380.—Le Plat, VI. 310, 312.

It is observable from this that many priests left the Church and married without formally embracing the Lutheran faith, and a return of these was anticipated from a relaxation of the canons. Others, as may be gathered from various references above, married and still performed their regular duties. Of these, some no doubt acted in virtue of dispensations granted by the nuncios of Paul III., after the promulgation of the Interim, but many did so in utter contempt of discipline. An illustrative example of the latter class may be found in the well-known Stanislas Orzechowski, whose marriage, notwithstanding his prominent position, shows the laxity of opinion which prevailed on the subject. As priest and canon of Przemysl in Poland, his marriage naturally gave great offence to his colleagues, which was not diminished by a dissertation which he wrote in favour of priestly marriage. This, he subsequently claimed, had been prepared for the purpose of laying it before the Council of Trent, and its publication had arisen from the indiscretion of a friend to whom he had entrusted it. Somewhat contaminated with the new ideas by his education at Wittenberg, he sturdily refused to give up either his wife or his position. His consequent excommunication he disregarded, though according to his own account he gave up on marrying his benefices and the ministry (Lettera a Guilio III. trad. di B. Leoni, Milano, anno. VI.), and notwithstanding this he had a very narrow escape from the death penalty, and his condemnation excited a commotion throughout Poland that was very favourable to the spread of the reformed opinions (Orichovii Annales, pp. 71-84, 108, Ed. 1854). At length the feeling against the pretensions of the Church became so strong that the diet of 1552 removed all the civil and temporal penalties of excommunication, so that he triumphed for the time, especially as Sigismund II. included priestly marriage among the concessions which he requested of Paul IV. (Herzog, Abriss. III. 241.) When in 1556 the legate Lippomani held a synod at Lovictz, he called to account those who had connived at so great an irregularity. They denied granting the dispensation, saying that they had only suspended the censures until the pleasure of the Pope should be known, but at the same time many prelates used all their influence with Lippomani to obtain one. Lippomani declared that he had no power to grant it, nor would he do so if

that in such places as could not obtain a sufficiency of pastors, the bishops should be empowered to ordain married laymen of approved piety, learning, and fitness.

These appeals were successful as far as communion in both elements was concerned, for, on April 16, Pius granted that concession under certain conditions. The subject of priestly marriage, however, he still postponed, and on June 17 we find Ferdinand writing to Cardinal Morone, to express his thanks for what he had obtained, and to urge the other subject on the consideration of the papal court. He had instructed his ambassador, he said, to press it earnestly, and he besought the Cardinal to aid in so pious and advantageous a work.[1]

Nor was this the only means which Ferdinand, then verging rapidly to the grave, adopted to attain the object

he could, seeing that Orzechowski defended himself on heretical grounds (Concil. Lovitiens.—Labbei et Coleti Supp. T. V. p. 702). In 1561 Orzechowski, in his address to the synod of Warsaw, admitted that he had sinned, but claimed that he had been punished sufficiently—"Si quis igitur a me quærat: Num uxorem sacerdos duxerim? Duxisse me fatebor. Peccasti igitur? Peccavi. Pœnas ergo peccati debes? Debui et persolvi" (Doctrina de Sacerd. Cœlibatu, Varsaviæ, 1801). He therefore complained of the persecutions to which he was exposed on account of his wife, and he petitioned both the Pope and the Council of Trent for a dispensation. While the Tridentine fathers refused it, some authors assert that it was granted by Pius IV. to him as an exceptional case "tibi soli Orichovio," but careful investigation has failed to discover the brief, and, according to Zaccaria, the Pope merely sent secret orders to his legate Commendone not to allow Orzechowski to be molested, but at the same time to give no publicity to an act of tolerance in contravention of the canons of the Council of Trent (Grégoire, Hist. du Mariage des Prêtres en France, pp. 51–55).

In his answer to Fricius, Orzechowski assumes that he was absolved from his excommunication by the legate—"Præterea a sententia excommunicationis, qua eram a Joanne Episcopo Premisliensi, ob hanc eandem uxorem, ex ecclesia pulsus, a Legato Romani Petri absolutus cum sim, nihil feci contra illum" (*ap.* Doctrin. de Sacerd. Cœlibat. p. 24). He also alleges the extraordinary excuse that he abandoned the priesthood before his marriage.

The history of Orzechowski, with probably a less fortunate result, is no doubt that of innumerable others, whose obscurity has prevented their sufferings from being known beyond their own narrow circle.

Strype (Annals, I. 485–6) asserts that after the accession of Queen Elizabeth the Catholic emissaries in England had a general dispensation to marry, in order to assist their concealment and to further the design of creating schism in the Anglican Church. He gives as his authority one Malachi Malone a converted Irish friar.

[1] Le Plat, Monument. Concil. Trident. VI. 331.

of his unwearied pursuit. Georg Witzel had thrown aside the monastic gown in 1531, to embrace the errors of Lutheranism, but had returned to the old religion. His learning and piety earned for him a deserved reputation, and elevated him to the position of imperial councillor, where his talents were devoted to the endless task of bringing about a reconciliation between the Churches. George Cassander, equally eminent, had never incurred the imputation of apostacy, but had laboured with tireless industry to convert his erring brethren from heresy to the true faith. Men like these might perhaps be heard when the voice of princes and prelates, actuated by motives of personal advantage, met a deaf ear; and Ferdinand applied to them for disquisitions on the subject.[1] Before their labours were concluded the monarch was dead (July 25, 1564), but his son Maximilian II. inherited his father's ideas, and gladly made use of the opinions which the learned Catholic doctors had no hesitation in expressing.

Both took strong ground against celibacy. Cassander, while defending the Church for originally introducing the rule, deplored the terrible and abominable scandals which its untimely enforcement caused throughout the Church, and he urged that the reasons which had led to its introduction not only existed no longer, but had even become arguments for its abrogation, since now the choice lay only between married priests and concubinarians. He declared it to be the source of numerous evils, chief among which was promiscuous and unbridled licentiousness, and he added that the already scanty ranks of the priesthood were de-

1 This was not his first attempt of this kind. In 1540 he had called upon John Cochlæus to examine the Confession of Augsburg and report as to what points were reconcilable with Catholicism and what were not. Cochlæus responded in an elaborate dissertation, wherein he took strong ground against abandoning celibacy, but admitted that he was utterly unable to suggest any remedy for the evils resulting from it—especially the "scandalosus presbyterorum in seculo concubinatus, præsertim apud plebanos in pagis, qui communiter cum ancillis rem domesticam gubernare necessitate quadam coguntur."—Le Plat, II. 667.

prived of the accessions which were so necessary, since men of a religious turn of mind were prevented from taking orders by the universal wickedness which prevailed under the excuse of celibacy, while pious parents kept their sons from entering the Church for fear of debauching their morals. On the other hand, those who sought a life of ease and licence were attracted to the holy calling which they disgraced. He was even willing to permit marriage in orders, arguing that it was only a question of canon law, in which faith and doctrine were not involved. As regards the monastic orders, while fully appreciating the principles upon which the system was founded, he warmly deplored the corruption engendered by wealth and luxury. Though the convents contained many pious and holy men, still for the most part religion was forgotten in the observance of ceremonies that had lost their significance, and nothing could be more licentious and profane than the life led in many of the monasteries.[1] Witzel was equally severe in his denunciations of the clerical licentiousness attributable to the rule of celibacy, and concluded his tract by attacking the supineness, blindness, and perversity of the prelates who suffered such foulness to exist everywhere among the priesthood, in contempt of Christ and to the burdening of their consciences.[2]

It was already evident that both the great objects for which the Council of Trent had ostensibly been assembled were failures; that it would effect as little for the purification of the Church as for the reconciliation of the heretics. Perhaps Maximilian felt that under these circumstances no one could deny the necessity of such changes as would at least afford a chance of the reformation that could no longer be expected of the Tridentine canons; perhaps he

1 G. Cassandri Consult. XXIII., XXV. (Le Plat, VI. 761–2, 783–4.)

2 Wicelii Via Regia, De Conjug. Sacerd.

Both these tracts were printed, with other controversial matter, by Hermann Conring, 4to. Helmstadt, 1569.

felt strengthened by the support of his ecclesiastical counsellors and controversialists; perhaps, with the zealous hopefulness of youth, he felt a confidence of which age and many disappointments had deprived his father; or perhaps he was encouraged by the concession to his subjects and to those of Albert of Bavaria of the communion in both elements, not knowing that in two short years it would be withdrawn. Certain it is that in a negotiation with the Bishop of Ventimiglia, papal nuncio at his court, he lost no time in renewing, with increased energy, the effort to obtain the recognition of married priests. After the departure of the nuncio, he addressed, in November 1564, a most pressing demand to Pius IV., in which he declared that the matter brooked no further postponement; that throughout Germany, and especially in his dominions, there was the greatest need of proper ministers and pastors; that there was no other measure which would retain them in the Catholic Church, from which, day by day, they were withdrawing, principally from this cause. He assured the Holy Father that the danger was constantly increasing, and that he feared a further delay would render even this remedy powerless to prevent the total destruction of the old religion. If only this were granted to the clergy, even as the cup had been communicated to the laity, he hoped for an immediate improvement. The bishops could then exercise their authority over those who at present were beyond their control, as unrecognised by the Church; and so thoroughly was this lawless condition of affairs understood that a refuge was sought in his provinces by those disreputable pastors who were banished from the Lutheran states on account of their disorderly lives.[1] His brother, the Archduke Charles, was equally urgent, in a letter which he addressed, a few days later, to the Pope, repeating the same arguments, and assuring him that the

[1] Goldast. II. 381.

only hope for the true religion in his dominions was to find some means of admitting the services of a married clergy.[1]

Ferdinand and Maximilian were actuated in these persevering efforts not merely by the desire of gratifying the wishes of their people, or of remedying the depravity of the ecclesiastical body. It had been a favourite project with the father, warmly adopted by the son, to heal the differences between the two religions, and to restore to the Church its ancient and prosperous unity. In their opinion, and in that of many eminent men, the main obstacle to this was the question of celibacy. It was evidently hopeless to expect this sacrifice of the Lutheran pastors, while numerous members of the Catholic Church regarded the change as essential to the purification of their own establishment. The only mode of effecting so desirable a reconciliation was therefore to persuade the Pope to exercise the power of dispensation which the Council of Trent had admitted to be inherent in his high office. It thus was left for Pius IV. to extricate himself from the tangle of promises with which he had evaded the pressure from beyond the Alps. His position, in fact, was perplexing, for the council had thrown on him the responsibility, by admitting his power of dispensation, while at the same time, with little regard for consistency, it had cast the denial of sacerdotal marriage in the form of a dogma enforced with the dread anathema. In spite of this, no one on either side of the question seems to have doubted his power to dispense with the dogma, and this power thus became the storm-centre of a struggle in which the unfortunate Pius reaped to the full the results of his double-dealing policy.

The protagonist of conservatism was Philip II., the most powerful monarch of the time and the head of the

[1] Le Plat, VI. 335.

only thoroughly Catholic kingdom beyond the Alps. He threw himself into it with such vigour, through a succession of envoys—Vargas, Luis de Zuñiga, Luis de Requesens, Cardinal Pacheco, Pedro de Avila—that Pacheco reported, 20 April, 1565, that Pius had conceived the idea that Philip's purpose in urging him to refuse the German demands was that the Emperor would then withdraw from the Church, so that Spain should remain the only Christian country and Philip thus be enabled to control the Holy See. Pius, in fact, at times scarce knew which way to turn. A few days earlier Pacheco had reported an audience, in which the Pope asked him to obtain Philip's advice as to whether he should grant a request, repeatedly made by the Emperor, to assemble a junta of learned prelates from all Christendom to consider the matter. It was not, he said, an affair of divine law, requiring a general council, but of positive law; and this at least would have the advantage of postponing a decision. Pacheco promised to write, but said that he knew that Philip would send no prelates to such a junta, as it would scandalise all Spain; and Philip would regard it as certain that, if the concession were granted to Germany, the Spanish clergy would not only want it, but would go there and renounce their nationality, in order to lead a dissolute life. To this Pius replied that he knew that all Christendom would demand it, but he could not resist the Emperor without the vigorous support of Philip, whom he desired to use his influence with Maximilian to lighten the pressure. Pacheco concludes by adverting to the weakness and vacillation of Pius, who inclined first to one side and then to the other.[1]

On the other hand, Maximilian was urging the concession with greater insistence than his father, and the indecision of Pius was exemplified in a consistory held

[1] Döllinger, op. cit. pp. 594–5, 598.

12 January, 1565, chiefly to consider the matter. He adverted to the grant of the cup, which Cardinal Hosius of Ermeland reported had proved of much advantage in Germany and Austria, both in retaining Catholics and winning heretics, while in Bohemia it had been received as a gift from heaven. The marriage question was still more important; the Cardinal and other prelates admitted that priests were few, and still fewer were those who desired to take orders. He had met their arguments and abhorred innovations; although so pious an emperor deemed it necessary for his dominions, it would be of evil example, for, if conceded to Germany, no one knew but that it would be demanded by Spain, France, and Poland. He wished that it had been decided by the council, and that the burden had not been laid on him, for the Emperor would be offended if refused what he said was the only remedy, and he foresaw the action that might be taken in the approaching Diet. He therefore wanted the opinions, not only of the cardinals, but of many theologians, and would be greatly pleased if an assembly could be convened from all the nations. He therefore asked the cardinals to consider the importance of the affair, and to advise him freely and sincerely; he would hear all, and take such resolution as the Holy Ghost might inspire. To this appeal the only response seems to have been from Cardinal Simoneta, who briefly stated that he had been legate to the Council when the Emperor's petitions were presented, and it had been deemed wiser not to bring the matter up for debate, as it was certain that clerical marriage would be refused.[1] The report of this consistory created great scandal in Spain, and Philip wrote a strong letter to Pius, representing that the concession would prove the destruction of Christianity and the ruin of his

[1] Döllinger, I. 588-90.—Lämmer, Meletunatum Romanorum Mantissa, p. 217 (Ratisbonæ, 1875).

dominions. When Cardinal Pacheco read this to the Pope he sighed and groaned; he could not but listen to so powerful a sovereign as the Emperor. He was told that it would bring back Germany; that there were no priests there, and that the land was relapsing into paganism; that the approaching Diet would proclaim an Interim worse than that of Charles V.; but God had helped him, for the Diet had been postponed until September, and they thus at least gained that much time.[1] Three days after Pacheco writes that the Pope is old and weak and worn out with perplexity; he complains that he is left alone, and he will yield not only this, but all that is asked of him, unless he is strongly supported. He has postponed it as long as he can, and can do so no longer.[2]

When Don Pedro de Avila was sent as a special envoy on the question, Philip, in his instructions of 10 June, 1565, told him that from the way in which the Pope treated the matter it would appear that he was pledged to make the concession, whether it was one of the articles agreed upon with the Emperor for the dissolution of the council or subsequently, and the expedients suggested for paving the way to it were inadmissible, especially the reference to the German prelates, for, even if they should not be moved by the desire to preserve their estates, they could not exercise free judgment in their anxiety to find a remedy for the condition of the provinces and under the pressure of the Emperor, the princes, and the people. When the use of the cup was granted he had kept silent, but this was vastly more important, and if it was conceded he would make a great "demonstration"—a significant word in Spanish parlance.[3]

De Avila's reports were reassuring. The Pope declared that he had given no pledge as to marriage, as he

[1] Döllinger, I. 591–3.
[2] Ibid. pp. 596–7.
[3] Ibid. pp. 605–7.

had done with regard to the cup; the latter had been necessary to prevent a schism by dissolving the council. He would not grant it unless it would bring back all the heretics, and even then he would hesitate. The danger from the Diet had passed; he had dragged the matter along for six years, and would continue to do so, but he would not drive the Emperor to despair. To gain time he had sent his nuncios Landriano and Guicciardini, with an offer to pay yearly 25,000 ducats in support of seminaries to supply the lack of priests, and shortly a second similar sum would be sent to keep Maximilian in good humour, for the Emperor, it seems, rejected the project of seminaries while evidently keeping the money. Still uncertainty continued, and as late as December 2, Cardinal Pacheco warns Philip to be friendly with the Pope and accede to his request for co-operation in the Diet, for otherwise he will have to grant to Maximilian and other princes things which it will grieve Philip to hear.[1]

The warning was superfluous, for in a week Pius passed away, on December 9, having accomplished his purpose of evading without rejecting the demands of nearly all the Catholic nations beyond the Alps. His successor, St. Pius V., elected 7 January, 1566, was a man of different temper. Stern and inflexible, animated with the loftiest convictions of the power of his office as the representative of God, his policy towards heresy was not conciliation, but the extermination which he had practised as head of the Inquisition. Prompt action was necessary, for the Diet of Augsburg, to which all parties were looking for a solution of pending questions, was to

[1] Döllinger, I. pp. 612–15, 621–6, 635–6, 646.

That at this time the rule of celibacy was regarded as in imminent danger would appear when a learned Italian lawyer felt called to address to Pius IV. an elaborate work arguing against its abolition, as Marquardo de' Susani did in his Tractatus de Cælibatu Sacerdotum non abrogando, printed in Venice in 1565.

be held in March. Triumphant Protestantism was in hopes of winning over Maximilian and sundering Germany from the Roman obedience. The Catholics, who were the weaker party, were disheartened and in lack of a leader who should rally their wavering ranks. They found him in the new Pope, who within a week of consecration despatched a courier to intercept Cardinal Commendone, then on his return from Poland, with orders to hasten to Augsburg and instructions as to his duties there. At the same time letters were written to Maximilian, and to the Catholic princes and prelates, couched in a very different tone from those of his predecessor. The Diet must confine itself exclusively to secular affairs, and not meddle with anything belonging to the jurisdiction of the Holy See; no interference with the rites and institutes of the Church must be suffered, nor any change be made in what the Council of Trent had decreed and the Holy See had confirmed. If this was disobeyed, Commendone was ordered to register a protest and depart. No special allusion was made to priestly marriage, nor was it required. Commendone fulfilled his mission with indefatigable dexterity, and was ably supported by the representatives of Philip II. The heretics were prevented from interjecting religious questions, and no Interim was proclaimed. Commendone assembled the Catholic prelates and princes, and urged them to accept the decrees of Trent. To this, after consultation, the Archbishop of Mainz replied, in the name of all, that they accepted without question everything that concerned faith and worship, but there were some points of discipline for the enforcement of which quieter times must be awaited.[1] Thus, after a struggle continued at intervals for a quarter of a century, the rule of celibacy was left undisturbed, and the counter-Reformation had begun.

[1] Ladenchii Annales, ann. 1566, n. 219–24, 230, 238, 242–3.

Still, in spite of conciliar anathemas, there was, after an interval, a certain amount of liberality in granting dispensations for marriage. A collection of decrees of the congregation of the Inquisition contains a number of examples of these, issued between 1600 and 1630 to subdeacons and deacons and members of the military Orders, not only for prospective marriages, but for those already consummated, including the legitimation of the offspring. The most prominent instance is one of 18 December, 1625, to Archduke Leopold of Austria, who as subdeacon held the bishoprics of Strassburg and Passau. He promptly resigned the sees, and in 1626 married Claudia de' Medici, widow of Federigo, Duke of Urbino. The numerous cases of members of the religious Orders, of both sexes, who left their houses and contracted marriage among heretics, subsequently seeking return to the Church, illustrates the confusion of the period, while the benignity with which their supplications were admitted indicates how impotent was the Holy See to enforce the rules amid the exigencies of the struggle between orthodoxy and heresy in the lands remaining under the Roman obedience.[1]

In Spain, as may readily be conceived, there was no such benignity. Bishop Simancas, about the middle of the sixteenth century, quotes authorities who held that a priest or religious who married publicly was subject to the Inquisition, as this manifested heretical belief, while, if the marriage was secret, it implied no intellectual error, and he was to be dealt with by his superiors; but Simancas asserts that both cases implied heresy, and the Inquisition had jurisdiction.[2] The Inquisition took the same view, and its name inspired a terror discouraging to

[1] Decreta Sac. Congr. S. Officii, pp. 84–140 (Bibl. del R. Archivio di Stato in Roma, Fondo Camerale, Congr. del S. Off. vol. iii.).

[2] Simancæ, de Catholicis Institutis, Tit. XL, n. 8–13.

aspirants to clerical matrimony. Still, its records show that occasionally there were those who dared the risk, trusting to escape detection, and for them the usual penalties were deprivation of functions and benefice, and a longer or shorter term of service in the galleys.[1]

[1] See the author's History of the Inquisition of Spain, vol. iv. p. 336.

CHAPTER XXIX

THE POST-TRIDENTINE CHURCH

The great council, on which so long had hung the hopes of the Christian world, had at last been held. The reformation of the Church, postponed by the skilful policy of the popes, had been reached in the closing sessions, and had been hurriedly provided for. As we have seen, the regulations which concerned the morals of the clergy were sufficient for their purpose, if only they could be enforced, yet as they were but the hundredth repetition of an endeavour to conquer human nature, which had always previously failed, even those who enacted them could have felt little faith in their efficacy. August Baumgartner, the Bavarian ambassador, in his address to the council, 27 June, 1562, had alluded to the prevailing belief that any comprehensive effort to enforce the chastity required by the canons would result in driving the mass of the Catholic clergy over to Protestantism.[1] Since continence was held by them to be impossible, it was thought that they would prefer to marry their concubines as Lutherans rather than give them up as Catholics. Possibly the fear of such untoward result may explain the slender effect which can be discerned from a scheme of reform so laboriously reached and so pompously heralded as the panacea for the woes which were destroying the Church.

Although Catherine de Medicis and her sons refused to allow the council to be formally published in France,

[1] Le Plat, Monument. Concil. Trident. V. 340.

yet she permitted its decrees to be freely circulated, and her bishops were at liberty to adopt them as the code of discipline in their dioceses.[1] In Germany we have seen how the Catholic princes, secular and ecclesiastical, accepted it at the Diet of Augsburg in 1566. Philip II., after some hesitation, ordered the reception of the council in all his dominions, which extended from Naples to the North Sea;[2] and Poland, despite some opposition from an ambitious prelate, submitted to it before the year 1564 was ended.[3]

As an authoritative exposition of the law of the Church of Christ, conceived and elaborated under the influence of the Holy Ghost, and commanded for implicit observance by the Vicegerent of God; as the expression of the needs and wants of the Catholic faith, wrought by the concentrated energy and wisdom of the leading doctors of Christendom, and transmitted for practical application through the wondrous machinery of the Catholic hierarchy, it should have had an immediate influence on the evils which it was intended to eradicate. Those evils had confessedly done much to create and foster the schism under which the Church was reeling; their magnitude was admitted by all, and no one ventured to defend or to palliate them. Their removal was acknowledged to be a

1 The Council of Trent has never been received in France. For a *résumé* of the efforts made to obtain its adoption and their uniform lack of success, see Chavart, Le Célibat des Prêtres, pp. 507–12.

2 In August 1564 Philip II. had ordered its publication in the Low Countries, but Margaret of Parma had hesitated to obey in consequence of the intense opposition excited by its interference with local liberties and franchises, as it completed and crowned the centralising policy which rendered the papacy supreme over all local Churches. It was not until 18 December, 1565, that it was finally promulgated, under imperative commands from Philip. It is characteristic of Philip's habitual double-dealing, however, that while his public orders commanded the reception of the Council without exception, he secretly reserved the rights of himself and his subjects (Le Plat, Concil. Trident. VII. Præf. p. vi.).

3 By a bull dated 18 July, 1564, Pius IV. fixed 1 May, 1564, as the time when the Tridentine canons became the law of the Church. His letter to the Archbishop of Bremen, with an official copy and directions as to its promulgation, is dated October 3 of the same year (Hartzheim, VII. 25).

necessity of the gravest character, and every adherent of Catholicism was bound to lend his aid to the good work. What, then, was accomplished by the council which had for so long a period laboured ostensibly with the object of restoring Latin Christianity to its primitive purity?

To few of the long line of popes does the Church owe so much as to St. Pius V. When he ascended the chair of St. Peter, Protestants were looking forward hopefully to the time when the lands of the Roman obedience should shrink to the two peninsulas of Italy and Spain. His pontificate was too brief to show results in checking the progress of revolt, but his resolute purpose to remove the evils that had led to it laid the foundations on which the counter-Reformation was built. It has not come within our scope to consider the abuses and corruption of the Curia which had created, throughout Latin Christendom, a detestation of the Holy See, to be reckoned among the primary causes of Luther's success, but they were inveterate, and to their removal he addressed himself with relentless vigour. That he should show equal solicitude in the harder task of reforming the morals of a dissolute clergy was to be expected, and this he lost no time in attempting, for he recognised how futile were the Tridentine utterances unless they should be unsparingly enforced. Pius IV. had allowed two years to elapse in silence after the dissolution of the council, but Pius V. lost no time, and on 1 April, 1566, issued a brief commanding the Ordinaries of all Churches to execute with vigour the conciliar decrees against concubinary priests.[1] Then, as soon as the dangers of the Diet of Augsburg were safely passed, in June he addressed to Maximilian, to Albert of Bavaria, and to the German bishops letters in which, after alluding to the scandalous lives of the clergy as one of the leading causes of heretic success, he prescribed

[1] Pii PP. V. Bull, Cum primum, § 12 (Bullar, Roman. II. 191).

the most active measures of reform, for otherwise what remained of Catholicism in Germany would be extinguished. The bishops were ordered to make visitations throughout their dioceses, to investigate the morals of their clergy, to expel their concubines, and to punish the refractory with all the severity of the laws, depriving them of their benefices and of the functions which they polluted; moreover, that the reform might be thorough, these instructions were accompanied with faculties which placed the regular Orders under episcopal jurisdiction. As in all this they would need the support of the secular power, Maximilian and Albert were exhorted to lend to the prelates all aid and favour.[1]

The immediate result of this was not encouraging. When Bernard Rasfelt, Bishop of Munster, in his synod of 1566 published the papal commands, the fury of his canons was so excited that they forced him to resign his bishopric and spend the rest of his days in obscurity. He was succeeded by Johann von Hoya, Bishop of Osnabruck and President of the Imperial Chamber, a man distinguished by birth and learning, who speedily wearied of the conflict and sought peace by imitating the example of his subordinates.[2] Three years later, in 1569, the Archbishop of Salzburg, in response to a fresh exhortation from Pius to reform his Church, replied that he and his suffragans had never ceased to attempt it, but that all their efforts had been fruitless and that he despaired of its accomplishment.[3]

Two years after this, in 1571, we have a summary of the condition of Germany in a confidential letter of November 16 to Philip II. from Fray Francisco di Cordova, the confessor to the Empress. The continued

1 Ladenchii Annales ann. 1566, n. 251–4.—Hartzheim, VII. 231.

2 De Thou, Hist. univ., Lib. XXXVIII. ann. 1566—Ladenchii Annales, ann. 1566, n. 256.

3 Dalham, Concil. Salisburgens., p. 556.

success of the Protestant movement he attributes to clerical disorders. Maximilian II., he says, "is regarded as a heretic, for he shows favour to heretics and admits all their preachers to audiences, which he denies to Catholics. He and the princes hold the Pope, the cardinals, and the bishops responsible for the failure of reform which would restore religion. Throughout all Germany the bishops neither preach nor celebrate Mass nor perform ecclesiastical functions, but seem to be laymen rather than clerics, while of the clergy at large there is scarce one without a wife or concubine. When the chapters elect bishops, they are required to swear that they will not reform the canons, and the monasteries are full of laymen and women. For all this there is no punishment, and the bishops and canons excuse themselves by saying that they merely live as the cardinals do. The one who is most scandalised by all this and who talks the most about it is the Emperor. The details are not fit to write, but it is certain that if the clergy were reformed, Germany would accept Catholicism, for the people are disgusted with the clashing of opinions, and, if the bishops would preach, the people would follow them, but as long as there is no reform the heresies increase day by day, and little by little the heretics obtain the bishoprics and benefices. I know, he concludes, that true reform would win back many heretics and their chiefs, and I think the Emperor would not be the last." [1]

[1] Döllinger, op. cit. I. 654.

At this period the Protestants had fair prospects of winning all Germany, but their progress was arrested, not by Catholic reform, but by the fierce doctrinal dissensions between Calvinists, Lutherans, and Philippists, who hated each other more than they did the common enemy. At the critical moment the Jesuits came, with their tireless labour and skilful policy ; the Protestant line which had been steadily advancing was driven back, and finally the Thirty Years' War established the boundaries which have remained with little change.

Against the lukewarmness of Maximilian may be set the zeal of his brother, the Archduke Ferdinand, of whom de Avila writes to Philip II. 1 December, 1565, that it is said for certain that he secretly cast some heretic preachers into a well in his palace.—Döllinger, p. 645.

The German clergy were not without justification in shielding themselves behind the example of Rome, where Pius IV. had allowed the most public and scandalous immorality to flourish unchecked under his immediate supervision. In 1538 the Consilium de Emendanda Ecclesiæ had animadverted upon the cynical licentiousness of the Roman clergy in terms which show that not much improvement had taken place since Petrarch's description of the papal court,[1] and the intervening thirty years had not served to purify it. Pius V. included this among his reformatory efforts. He at first proposed to banish all the public women who would not give a pledge of reformation by immediate marriage, and, when forced to abandon this as impracticably harsh, he restricted their residence to certain houses, and forbade their plying their vocation in the streets by day or night. Although this admitted the necessity of the evil and only sought to restrain its public manifestation, such reform was deemed insufferable. The clergy were ashamed to offer open opposition, but urged the Senate to strenuous resistance. The remonstrance presented by that body not only shows the prevalent immorality, but also the conviction that immorality was inseparable from celibacy. It was represented that, if the proposed rules were enforced, the prosperity of the city would be destroyed and the rents of houses be reduced to nothing, and it was urged that, amid so vast a number of men condemned to celibacy, under such restrictions it would be impossible to preserve the virtue of the wives and daughters of the citizens. The contest was stubbornly continued until at length Pius was driven to declare that if further difficulties were interposed

[1] In hac enim urbe meretrices ut matronæ incedunt per urbem, seu mula vehuntur, quas affectantur de media die nobiles familiares cardinalium clericique. Nulla in urbe vidimus hanc corruptionem præterquam in hac omnium exemplari, habitant enim insignes ædes : corrigendus etiam hic turpis abusus.—Le Plat, Monument. Concilii Trident. II. 604.

he would leave the city.[1] The Germans, moreover, were not mistaken when they included the cardinals among those whom they imitated, for Sixtus V. in 1586 decreed that no one who had children, even if they were legitimate, should be eligible to the cardinalate, because in no other way could assurance be had of the observance of their vows.[2]

If Pius V. met with opposition in the task of purifying the Augean stable of Rome, St. Charles Borromeo, encouraged and stimulated by his example, found himself involved in a more dangerous quarrel when he attempted, in the equally demoralised city of Milan, to enforce respect for the decrees of Trent. In 1569 he undertook to reform the canons of S. Maria della Scala, whose licentious mode of life was a scandal to the faithful. So persistently did they deny their subjection to his archiepiscopal jurisdiction, that after a long discussion his only resource for vindicating his authority was excommunication. The contumacious canons were still indisposed to yield, and, assembling in their church, they maltreated his messenger. Thinking that his presence might bring them to reason, he ventured himself to expostulate with them, and found them drawn up in their cemetery, with arms in their hands, and supported by soldiers whom they had hired. On reaching the gate, he dismounted from his mule and advanced towards them with his cross, which he had snatched from his cross-bearer. Unabashed by this symbol at once of religion and authority, the mutinous canons rushed upon him with shouts of "Spagna!" "Spagna!" brandishing their weapons and discharging their fire-arms at the cross in his hands—fortunately without injuring him. Having thus driven him off, they continued for some time in open

[1] De Thou, Hist. univ. Lib. XXXIX.

[2] Sixti PP. V. Const. Postquam verus, § 16 (Bullar. Roman. II. 611).—"Certum nequeat suæ testimonium continentiæ exhibere."

rebellion, until they were at length obliged to submit, when Pius V. and Philip II. united their power in support of St. Charles.[1]

Still greater was the peril to which the saint was exposed in his quarrel with the Umiliati. They were a branch of the Benedictine Order, founded in 1180 by the Milanese who escaped the destruction of their city by Frederic Barbarossa. Sharing in the general licence of the age, the excesses of the Umiliati became so infamous that they surpassed in turpitude the worst exploits of the unbridled youth of the city. Supported by the decretals of Pius, in 1568 St. Charles undertook to reduce the Order to the observance of monastic rule. The Umiliati resisted with so much energy and success that, after two years of contest, they were still defiant. Regarding St. Charles as the cause of all their troubles, Girolamo Lignana, Provost of S. Cristoforo di Vercelli, who assumed their leadership in 1570, engaged a monk of the order named Girolamo Donati to murder him. The blackness of the deed was not relieved by the circumstances under which it was attempted. While the holy archbishop was absorbed at midnight in his devotions, Donati stole into the oratory and discharged full upon him an arquebuss loaded with slugs. Some of the missiles struck St. Charles, but rebounded to the floor, leaving him unhurt, and the miraculous nature of his escape was proved by the depth to which others penetrated the walls. At this moment the policy of Philip the Catholic supported the disaffected and rebellious monks, and for some time yet they escaped the retribution due to their many crimes, but at length those concerned in the attempted murder were caught and executed, and the order of the Umiliati was broken up.[2]

1 Fleury, Liv. CLXXI. chap. 104 et seq.

2 Muratori, Annal. ann. 1569.—Henrion, Hist. des Ordres Religieux, I. 196.—Fleury, Liv. CLXXI. chap. 26.—De Thou, Lib. L.—The calm Muratori stigmatises the Umiliati as "troppo scorretto e corrotto ordine," and Henrion, who cannot cer-

In fact, the Tridentine reform, so loudly heralded as a panacea for all the evils afflicting the Church, was everywhere confessedly a failure. When, in 1583, President d'Espeisses presented to Henry III. a memorial against the publication of the council in France, he drew one of his arguments from the greater corruption of the Italian Church, where, though the council was received without demur, yet none of its orders reforming the morals of the clergy received the least attention.[1] That the Tridentine canons in this respect were wholly inefficacious throughout Italy, and that the officials, with rare exceptions, did not venture to enforce them, can indeed be seen in the series of provincial councils held during the remainder of the century, from Lombardy to Naples.

The papacy had succeeded in crushing the reformers who had responded in so many Italian cities to the uprising in Germany; it had then convoked and managed at its will the great congress of Catholic Christendom which was to put an end at once and for ever to all the evils which had led to the schism; it had every opportunity and every motive for vindicating itself from the aspersions of its enemies, and yet we see it at once recur to the old machinery of local councils enacting canons whose frequency and wordy severity are the inverse measure of their efficiency. Had the promises of reform so liberally made been possible in their fulfilment, there had been no need of further legislation. A convocation of the ecclesiastics of each province to receive and publish the decrees

tainly be regarded as a prejudiced authority, declares that "les excès des Humiliés surpassoient ceux des laïques les plus débauchés." Pius V., in his bull suppressing the order, is equally emphatic, and vouches for the truth of the miracle by which the life of St. Charles was preserved.—Bull. Quemadmodum sollicitus (Mag. Bull. Rom. II. 326).

[1] Vû que par toute l'Italie on le vit reconnoitre pour l'usage et observations de toutes les ordonnances, on n'en voit une seule entretenue de celles qui concerne la reformation de la vie et mœurs des ecclesiastiques. . . . Et ce peut dire pour ce regard que l'église n'est en autre lieu de la Chrétienté si déréglée et difforme qu'ès pays où le pape a commandement et puissance absolu.—Le Plat, VII. 259.

of Trent would have been all-sufficient. When, therefore, we see the endless iteration with which the guilty clergy were threatened with the Tridentine canons, and with other new or revivified penalties—as at the councils of Milan in 1565 and 1582,[1] and at those of Manfredonia in 1567, of Ravenna in 1568, of Urbino in 1569, of Florence in 1573, of Naples in 1576, of Cosenza in 1579, of Salerno in 1596, of S. Severino in 1597, and of Melfi in 1597[2]—we can only conclude that the evil was irremediable, in spite of the well-meant efforts to suppress it or to throw off the responsibility of its existence.

In fact, the manner in which the Council of Trent was greeted by the clergy may be judged from its treatment in the archiepiscopate of Utrecht. Though Philip II. had authoritatively ordered its reception in 1565, we find the Duke of Alva in May 1568 issuing his commands to the prelates of the five Churches of Utrecht to offer no further opposition to it. Even so stern a ruler could not obtain immediate obedience, however, to so obnoxious a series of regulations, and they responded by pleading their ancient privileges. This availed them little, for in June he replied that his instructions were positive, and he proceeded to enforce them by sending royal commissioners to the province, empowered to carry them out. In July, therefore, the Archbishop assembled his clergy, and in conjunction with the commissioners issued a series of regulations designed to give effective force to the canons of the council. Visiting nunneries and haunting taverns, joining in dances and

1 Concil. Mediolanens. ann. 1565 P. II. Const. xiv (Harduin. X. 661)—Concil. Mediolanens. ann. 1582 Const. xiv. (Ibid. p. 1117.)

2 Concil. Sipontin. ann. 1567 De Vit. et Honest. Cleric.—Concil. Ravennat. ann. 1568 De Vit. et Honest. Cleric. c. v.—Concil. Urbinat. ann. 1569 De Vit. et Honest. Cleric. c. vi.—Concil. Florent. ann. 1573 Rubr. XXXVII. c. 3, 4.—Concil. Neapol. ann. 1576 cap. XXII.—Concil. Consentin. ann. 1579 Sess. IV.—Concil. Salernit. ann. 1596 cap. XVIII.—Concil. S. Severin. ann. 1597 De Vit. et Honest. Cleric.—Concil. Amalfitan. ann. 1597 De Vit. et Honest. Cleric. c. v.—(Labbei et Coleti Supplement. T. V. pp. 827-1331.)

hunting and indecent songs were forbidden. The clergy were ordered to shave their beards and to give up their concubines, whom they were not to retake or to replace. Even yet they did not yield, but while they were ashamed to claim the right to keep their female companions, they demurred as to the sacrifice of their beards, and the Archbishop was obliged to issue another peremptory command.[1]

It was not, however, only concubinage which the Council of Trent failed to extirpate. Even the denial of sacerdotal marriage, which it had elevated to the dignity of a point of faith, was stubbornly opposed, and was not accepted until after a protracted struggle.

In 1569 we find the synod of the extensive and important province of Salzburg virtually dividing its clergy into two classes—those who haunt the taverns under pretext of getting their meals, but really for the purpose of indulging in drunken riots with their parishioners, and those who keep houses, with concubines under the guise of female servants, whom they secretly marry, and who are openly known by their husbands' names. To meet this condition of affairs, the synod devised an elaborate system by which the richer clergy were directed to keep as domestics respectable middle-aged married women with their husbands, while the poorer ecclesiastics were to club together for the same purpose.[2] This expedient proved as fruitless as its predecessors, for in 1572 Gregory XIII. complained to the Archbishop that in many places priests who were known to be married were permitted by their bishops to celebrate Mass and to handle

[1] The documents are in Le Plat, Monument. Concil. Trident. VII. 199-201. For the condition of morals in the Church of Holland, see Synod. Harlem. ann. 1564; Synod. Ultraject. ann. 1564; Concil. Ultraject. ann. 1565 (Hartzheim, VII. 5, 22, 137). It was to the publication of the Council of Trent that William of Orange attributed the inevitable revolution which followed (Stradæ de Bell. Belgic. Lib. iv.).

[2] Synod. Salisburg. ann. 1569 Const. XXVII. cap. xviii., xix., xx., xxi., xxii. (Hartzheim, VII. 306–8.)

the sacred elements.[1] In spite of all this the evil continued unabated, and in 1616 the Archbishop of Salzburg, in his instructions for a general visitation, ordered that all priests should remove their concubines to a distance of at least six miles, and should not allow their illegitimate children to live openly with them, except under special licence from him.[2]

In 1565, Anthony, Archbishop of Prague, promulgated the Council of Trent in his provincial synod. He was a man of more than ordinary vigour; he had been the imperial orator at Trent, understood fully the views of the council, and was not likely to underrate either their importance or their authority. Armed with the Tridentine canons, he set actively to work and instituted a very thorough system of inquisitorial visitations, which ought to have succeeded if success were possible. Yet, after the lapse of thirteen years, in a special mandate issued by him in 1578 he deplores the obstinate blindness of many of his clergy, who still believed, with the heretics, that marriage was not incompatible with priesthood, while those who did not marry were guilty of the less dangerous error of maintaining concubines and children on the revenues of their benefices.[3]

The same wilful ignorance apparently existed in the diocese of Wurzburg, for Bishop Julius, in 1584, found it necessary, in his episcopal statutes, to discountenance clerical matrimony and to prove its nullity by laboriously quoting innumerable canons and decretals; and he even condescended to remind his priesthood that in taking orders they had willingly and knowingly entered into an agreement of continence, by the consequences of which they must be prepared to abide.[4]

1 Concil. Salisburg. XLVII. (Dalham, Conc. Salisb. p. 583.)

2 Visitat. Salisburg. ann. 1616 Tit. I. cap. vi. (Hartzheim, IX. 266.)

3 Decret. Reformat. Pragens. (Hartzheim, VII. 53.)

4 Statut. Rural. Julii Wirceburg. P. III. c. iv. (Gropp Script. Rer. Wirceburg. I. 471–4). It is somewhat remarkable that Bishop Julius attributes the prohibition of marriage to the Council of Nicæa. After describing the custom of the Greek Church,

A provincial synod of Gnesen, of which the date is uncertain, but which was probably held in 1577, deplored the insane audacity displayed by ecclesiastics in marrying, and threatened them with the Tridentine anathema.[1] This warning appears to have been completely disregarded, for the Bishop of Breslau, a suffragan of the metropolis of Gnesen, in opening his diocesan synod in 1580, still complained that many of his clergy were guilty of this perversity, and he was at some pains to disavow any complicity with it, or any connivance at the licentiousness which was prevalent among the unmarried.[2] In 1591 the synod of Olmutz asserted that many clerks in holy orders contracted pretended marriages, and were not ashamed of the families growing up publicly around them, while others indulged in scandalous concubinage with women, whom they styled housekeepers or cooks. In endeavouring to put an end to this state of affairs the synod manifested its estimation of the morals of the priesthood by renewing the hideous suggestions which we have seen in the tenth and twelfth centuries, for pastors were allowed to have near them the female relatives authorised by the Nicene canons, but, in view of the assaults of the tempter, were prudently advised not to let them reside in their houses.[3] The disregard of the Tridentine canon continued, and as late as 1628, at the synod of Osnabruck, the orator who opened the proceedings inveighed in the vilest terms against the female companions of the clergy, who not only occupied the position of wives, but were even dignified with the title.[4]

he proceeds, "Permissio vero et consuetudo illa duravit usque ad Nicænum concilium, in quo generali decreto abrogata est, statutumque ne aliquis habens uxorem consecretur sacerdos"—a falsification which is equally singular whether it proceeded from ignorance or fraud, and an admission that celibacy was not of apostolic origin which was rare in a Catholic prelate of that period.

1 Synod. Gnesens. c. xxxiii. (Hartzheim, VII. 891.)

2 Synod. Wratislav. ann. 1580 (Hartzheim, VII. 890).

3 Synod. Olomucens. ann. 1591 c. xiii. (Hartzheim, VIII. 352.)

4 Synod. Osnabrug. ann. 1628 (Hartzheim, IX. 431). As usual, a distinction is

Ancillary to the questions of clerical marriage and concubinage was that of the provisions made for the benefit of the offspring of such unions. The Council of Trent had decreed that all such provisions should be deemed fraudulent, but, in spite of this, the transmission of ecclesiastical property continued as before, and in 1571 Pius V. found it necessary to supplement the conciliar decree with further positive legislation. In this he recognised his own Curia as the source of much of the evil by declaring null and void all dispensations granted for such purpose, and annulling all faculties for granting them.[1] It was not only the need of preserving the possessions of the Church; the scandal of sacerdotal families required repression, and this he sought to accomplish, in 1572, by another decree pronouncing such children incapable of receiving even the private and patrimonial property of their fathers.[2] How soon all this was forgotten is indicated by the synod of Augsburg, in 1610, which declared that it would enforce the Tridentine canon prohibiting the illegitimate sons of priests from holding preferment in their fathers' benefices, notwithstanding what dispensations they might produce.[3]

Thus the movement started by the vigour and inflexible purpose of Pius V. had at last succeeded in enforcing the Tridentine decree which prohibited priestly marriage, and in suppressing the almost universal demand for it throughout Catholic Christendom. In this he richly earned the gratitude of the Ultramontanism which regards the Church as a hierarchical organisation, directed as much to temporal

drawn between those who thus formed permanent though illicit connections and others who indulged in promiscuous licence—"alii vaga dissoluti lascivia, tanquam equi emissarii, ad incontinentissimum quodque scortum aut adulteram adhinniunt trahuntque ingentes liberorum spuriorum greges. Hæc in propatulo sunt; quæ vero in occulto fiunt ab ipsis, turpe est et dicere."

1 Pii PP. V. Const. Quæ ordini (Bullar. Roman. II. 346).

2 Pii PP. V. Const. ad Romanum (Bullar. Roman. II. 348).

3 Synod. Augustan. ann. 1610, P. III. cap. iii. § 1 (Hartzheim, IX. 58).

as to spiritual ends. This preponderating element at the Council of Trent, if we may believe Fra Paolo Sarpi, predicted that, if priests were allowed to marry, their affections would be concentrated on family and country instead of on the Church; their subjection to the Holy See would be diminished, the whole structure of the hierarchy be destroyed, and the Pope himself would eventually become a simple Bishop of Rome.[1] It is foreign to our purpose to discuss whether this would have occurred, and whether it would have been a misfortune to the Church and to the world, or whether, if marriage had been permitted, it might have resulted in a reunion of Christian believers. Its denial, at all events, rendered the division permanent, and it remains for us to see whether the counter-Reformation succeeded in removing the corruption which was admitted to have been one of the efficient causes in promoting the success of the Lutheran revolt.

Clear-sighted prelates were not wanting who proclaimed that the same causes continued to operate and to produce the same effect. Anthony, Archbishop of Prague, in his synod of 1565, took occasion to declare that the misfortunes of the Church were attributable to the dissoluteness of the clergy, and that the extirpation of heresy could best be effected by reforming the depraved morals and filthy lives of ecclesiastics.[2] At the Council of Salzburg, in 1569, Christopher Spandel, in the closing address, asked the assembled prelates what title was more contemptible or more odious than that of priest, in consequence of the licence in which the clergy as a body indulged.[3] The clergy of France, assembled at Melun in July 1579, when addressing Henry III. with a request for the publication of the Council of Trent, assured him that the heresy which afflicted Christendom was caused

1 Sarpi, Hist. Con. Trident. Lib. VII. (Opere II. 280.)
2 Statut. Diœces. Pragens. ann. 1565 (Hartzheim, VII. 26).
3 Synod. Salisburg. ann. 1569 (Hartzheim, VII. 407).

by the corruption of the Church, and that it could only be eradicated by a thorough reformation.[1] Though the Inquisition took care that Spain should not be much troubled by heretics, yet the synod of Orihuella, in 1600, declared that the concubinage practised by ecclesiastics was the principal source of popular animosity against them.[2] These complaints were general. In 1599, Cuyck, Bishop of Ruremonde, published a work aimed at concubinary priests, in which he assured them that they and their predecessors were the cause of the ruin and devastation of the Netherlands for the last thirty years, for their vices had led to the contempt felt for the clergy, and thus to the heresy which had caused the civil wars. Those who kept their vows he asserts to be as rare as the grapes that can be gleaned after the vintage or the olives left after gathering the crop; but the only remedy he can suggest is increased vigilance and severity on the part of the prelates.[3] Evidently the Tridentine canons had thus far been a failure. In 1609, at the synod of Constance, the Rev. Dr. Hamerer, in an official oration to the assembled prelates, deplored the continued spread of heresy, which he boldly told them was caused by the perpetually increasing immorality that pervaded all classes of the priesthood. The Reformation had begun, had derived its strength, and was still prospering through their weakness, which rendered them odious to the people and made the Catholic religion a by-word and a shame.[4] In 1610, the Bishop of Antwerp, in a synodal address, agreed with Bishop Cuyck in attributing the evils which had so grievously afflicted the Church of Flanders for nearly half a century to the

1 Le Plat, VII. 238.

2 Synod. Oriolan. ann. 1600 cap. xxxviii. (Aguirre, VI. 457.)

3 Henr. Cuyckii Speculum Concubinariorum Sacerdotum, Monachorum ac Clericorum; Coloniæ, 1599.

4 Synod. Constant. ann. 1609 (Hartzheim, VIII. 838). Another orator, Dr. Mayer, S.J., though more cautious in his deductions, was equally outspoken in his denunciations of the wickedness of the clergy (Ibid. p. 831).

same cause, and, while recounting the various successive efforts at internal reform made since the Council of Trent, he pronounced each one to have been a failure in consequence of the incurable obstinacy of the clergy.[1] Damhouder, a celebrated jurisconsult of Flanders, whose unquestioned piety and orthodoxy gained for him the confidence of Charles V. and Philip II., does not hesitate to speak of the clergy of his time as men who rarely lived up to their professions, and who as a general rule were scoundrels distinguished for their indulgence in all manner of evil.[2] In a similar mood the Bishop of Bois-le-Duc, in opening his synod of 1612, declared that the scandalous lives of the ecclesiastics were a source of corruption to the laity and a direct encouragement of heresy.[3] So, in 1625, the synod of Osnabruck gave as its reason for endeavouring to enforce the Tridentine canons that the true religion was despised on account of the depraved morals of its ministers, whose crimes were a sufficient explanation of the stubbornness of the heretics. So little concealment of their frailty was thought necessary that they openly enriched their children from the patrimony of the Church, and decked their concubines with ornaments and vestments taken from the holy images, even as we have seen was the custom among the Anglo-Saxons of the tenth century.[4]

The Thirty Years' War proved a more effectual bar to the spread of heresy than these fruitless efforts to cure the incurable malady of the Church. After the Peace of Westphalia, there was no further need to appeal to the dread of proselytising Lutheranism as a stimulus to virtue, but still the same process of reasoning appears in exhorta-

[1] Synod Antverp. ann. 1610 (Hartzheim, VIII. 979).

[2] Damhouder Rerum Crimin. Praxis cap. xxxvii. No. 25 (Antverp. 1601).

[3] Synod. Boscodunens. II. ann. 1612 (Hartzheim, IX. 200).

[4] Synod. Osnabrug. ann. 1625 cap. v., x. Hartzheim, IX. 350.—Synod. Osnabrug. ann. 1628 (Ibid. p. 428).

tions to regain the forfeited respect of the community. Thus, in 1652, the Bishop of Munster expressed his horror at the obstinacy with which, in spite of fines, edicts, and canons, his clergy persisted in retaining their concubines, and he declared that the discordance between the professions and the practice of the priesthood rendered them a stench in the nostrils of the people and destroyed the authority of religion itself;[1] and in 1662 the synod of Cologne deplored that the notorious want of respect felt for the ministers of Christ was the direct result of their own immorality.[2] A doctrine even sprang up to the effect that it was not requisite to force a concubinarian to eject his companion if she was useful to him in his housekeeping or if it would be difficult for him to obtain another servant; and this became sufficiently formidable to entitle it to a place among the errors of belief formally condemned by the Roman Inquisition in its decree of March 1666.[3]

In France the influence of the Tridentine canons had been equally unsatisfactory. At a royal council held in 1560, which resolved upon the assembly of the States at Orleans, Charles de Marillac, Bishop of Vienne, declared that ecclesiastical discipline was almost obsolete, and that no previous time had seen scandals so frequent or the life of the clergy so reprehensible.[4] From the proceedings of the Huguenot synod of Poitiers, in 1560, it is evident that priests not infrequently secretly married their concubines, and, when the woman was a Calvinist, her equivocal position became a matter of grave consideration with her Church.[5] The only result of the Colloquy of

1 Synod. Monasteriens. ann. 1652 (Hartzheim, IX. 786–7).
2 Synod. Colon. ann. 1662 P. III. Tit. I. cap. 1 § iii. (Hartzheim, IX. 1006.)
3 Mag. Bull. Roman. Ed. Luxemb. 1742, T. VI. App. p. 2.
4 Pierre de la Place, Estat. de Relig. etc. Liv. III.
5 Quick, Synod. Gall. Reform. I. 18.

Poissy, in 1561, was that Catherine de Medicis prevailed upon the bishops to present a request to the King asking him to use his influence with the Pope to concede the marriage of priests and the use of the cup by the laity. Means were found, as we have seen, to prevent the former of these demands from being made, while the latter, when presented, was peremptorily refused.[1] In the existing condition of affairs, the Council of Trent could not reasonably be expected to effect much, for, as the orthodox Claude d'Espence informs us, the French prelates, like the Germans, were in the habit of collecting the "cullagium" from all their priests, and informing those who did not keep concubines that they might do so if they liked, but must pay the licence-money whether or no.[2] In 1564, the Cardinal of Lorraine, not long after his return from the council, held a provincial synod at Rheims, where he contented himself with declaring that the ancient canons enjoining chastity should be enforced.[3] The next year, 1565, a synod held at Cambray reduced the penalties to a minimum, and afforded every opportunity for purchasing immunity, by enacting that those who consorted with loose women, and who remained obdurate to warnings and reprehension, should be punished at the pleasure of the officials.[4] Thus we find Pius V., 26 January, 1567, granting to Archbishop Maximilian full power to correct the depraved morals of his canons, in spite of the customary oath which he had taken not to interfere with them. Pius further seized the opportunity to urge him and his suffragans to labour strenuously in the good cause,

1 Fleury, Hist. Eccles. Liv. CLVII. Nos. 37–42.

2 Chavard, Le Célibat des Prêtres, p. 401.

3 Concil. Remens. ann. 1564, Stat. XVII. (Harduin. X. 477.)

4 Concil. Camerac. ann. 1565, Rubr. VIII. c. 3. At this council, which was held in June 1565, the Council of Trent was formally adopted. As forming part of *Flandre française*, Cambray may properly be considered as French, though Francis I., by the treaty of Madrid in 1526, had been compelled to surrender his sovereignty, and till a hundred years later it continued under Spanish dominion.

for the surest means of extirpating heresy was the reform of the clerical corruption that had occasioned it.[1] We may assume this to have stimulated the council held the same year to disregard clerical immunity by invoking the aid of the secular arm to remove the concubines of its clergy[2]—a course again suggested as late as 1631.[3] The terms in which Claude, Bishop of Evreux, at his synod of 1576, announced his intention of taking steps to eject those who for the future should persist in their immorality show not only that such measures were even yet an innovation, but also indicate little probability of their being successful.[4] The Council of Rheims, in 1583, while proclaiming that the Tridentine canons shall be enforced on all concubinary priests, manifests a reasonable doubt as to the amount of respect which they will receive in threatening that those who are contumacious shall be subdued by the secular arm.[5] The Council of Tours, in the same year, deplores that the whole ecclesiastical body is regarded with aversion by the good and pious on account of the scandals perpetrated by a portion of them. To cure this evil, the residence of suspected women, even when connected by blood, is forbidden, as well as of the children acknowledged to be sprung from such unions, and various penalties are denounced against offenders.[6] The Council of Bordeaux, in 1624, earnestly warns the clergy of the province not to allow their sisters and nieces to live in their houses, and especially not to sleep in the same room with them;[7] and various other synods held during the period repeated the well-known regulations on

1 Pii V. Epistolar. Lib. quinque, Lib. I. Ep. ix. (Antverpæ, 1640.)

2 Concil. Camerac. ann. 1567 c. iii. (Hartzheim, VII. 216.)

3 Synod. Camerac. ann. 1631 Tit. XVIII. c. xiv. (Ibid. IX. 562.)

4 Claudii Episc. Ebroicens. Statut. cap. III. § 1 (Migne's Patrol. Tom. 147, pp. 244–5).

5 Concil. Remens. ann. 1583 cap. xviii. § 5 (Harduin. X. 1293).

6 Concil. Turon. ann. 1583 cap. xv. (Ibid. p. 1481.)

7 Concil. Burdigalens. ann. 1624 cap. xiii. § 2 (Harduin. XI. 96).

the subject, which are only of interest as showing how little they were respected.[1]

Avignon and the Constat Venaissin, the portion of modern France then belonging to the Holy See, were not neglected by the vigilance of Pius V. In 1569 we find him writing to the Cardinals of Bourbon and Armagnac, his legates in charge of the territory, and also to the individual bishops, urging them to reform the corrupt and depraved morals of clergy and laity, to which the growth of heresy was largely ascribable; the clergy especially were to be looked after and be coerced with the full severity of the canons.[2] The usual lack of success attended this, for a Council held in Avignon in 1594, declares that the numerous decrees relative to the morals and habits of the clergy are either forgotten or neglected, and then proceeds, as was customary, to forbid the residence of suspected women.[3]

No one, in fact, who is familiar with the popular literature of France during that period can avoid the conviction that the ecclesiastical body was hopelessly infected with the corruption which, emanating from the foulest court in Christendom, spread its contagion throughout the land. If Rabelais and Bonaventure des Periers reflect the depravity which was universal under Francis I., Brantôme, Beroalde de Verville and Noël du Fail continue the record of infamy under Catherine de Medicis and her children.[4] The genealogy of sin is carried

1 Synod. Tornacens. ann. 1574 Tit. xii. c. 5, 6, 7 (Hartzheim VII. 780).—Synod. Audomarens. ann. 1583 Tit. xvi. c. 2 (Ibid. VII. 947). Concil. Burdigalens. ann. 1583 can. xxi. (Harduin. X. 1360.)—Concil. Bituricens. ann. 1584 Tit. xlii. can. 1–4 (Ibid. X. 1503–4).—Concil. Aquens. ann. 1585 cap. de Vit. et Honestate Cleric. (Ibid. X. 1547.) Concil. Narbonnens. ann. 1609 cap. xli. (Ibid. XI. 96.)

2 Pii V. Epistolae. Lib. III. Epist. xxi.

3 Concil. Avenionens. ann. 1594, can. xxxii. (Harduin. X. 1854.)

4 Du Fail, whose high official position in the Parlement of Rennes precludes the supposition of any tendency to Calvinism, devotes one of his discourses (Contes et Discours d'Eutrapel No. xx.) to the evils entailed by celibacy on the Church and on society, quoting the exclamation of Cardinal Contarini to Velly the French Ambassacor, "O quæ mala attulit in ecclesia cœlibatus ille!" It is true that such stories as

on by Tallemant des Réaux, Bussy-Rabutin, and the crowd of memoir writers who flourished in the Augustan age of French literature. These show us how often the high places of the hierarchy were filled with men to whom the very name of virtue was a jest, and who could not be expected to enforce on their subjects the continence to which they themselves made no pretension. Yet it would be unjust not to keep in view also the lofty piety of such a prelate as Fénelon, or the austere virtue of Antoine Arnauld and his comrades of Port Royal. While the Jesuits and so-called moral theologians were smoothing the path of sin by the casuistry of Probabilism, there sprang up to resist them the Jansenistic Rigorism, which exercised wide influence on the side of godliness, in spite of unremitting persecution by the Holy See.

It is evident from all this that the standard of ecclesiastical morals had not been raised by the efforts of the Tridentine fathers, and yet a study of the records of church discipline shows that with the increasing decency and refinement of society during the seventeenth and eighteenth centuries the open and cynical manifestations of licence among the clergy became gradually rarer. It may well be doubted, nevertheless, whether their lives were in reality much purer. A few spasmodic efforts were made to enforce the Nicene canon, prohibiting the residence of women, but they were utterly fruitless, and were so recognised by all parties; and the energies of the arch-priests and bishops were directed to regulating the character of the hand-maidens, who were admitted to be a necessary evil. The devices employed for this purpose were varied, and repeated with a frequency which shows

"Frater Fecisti" are not historical documents, yet they have their value as indicating the drift of public feeling and the convictions forced upon the minds of the people by the irregularities of the clerical profession. The same lesson is taught by Boccaccio, Piers Plowman, Chaucer, Poggio, the Cent Nouvelles Nouvelles, and all the other records of the interior life of the fourteenth, fifteenth and sixteenth centuries.

their insufficiency; and it would be scarce worth our while to do more than indicate some sources of reference for the curious student who may wish to follow up the reiteration which we have traced already through so many successive centuries.[1] Among them, however, one new feature shows itself, which indicates the growing respect paid to the appearance of decency—complaints that concubines are kept under the guise of sisters and nieces.

That the monastic orders had profited more than the secular clergy by the Tridentine reformation may well be doubted. Laurent de Peyrinnis, one of the heads of the Order of Minims, in 1668, issued a code of regulations in which he showed that scandal was more dreaded than sin when he promulgated an exemption from excommunication in favour of those brethren who, when about to yield

[1] Le Plat, Monument. Concil. Trident. VII. 136.—Collect. Synod. Mechlin. Tom. I. pp. 39, 57.—Synod. Mechlin. ann. 1570 Tit. xiv. (Ibid. I. 118.)—Synod. Lovaniens, ann. 1574 (Ibid. I. 191).—Synod. Provin. Mechlin. ann. 1607 Tit. XVIII. c. viii. (Ibid. I. 395.)—Synod. Diœces. Mechlin. ann. 1607 Tit. XVII. c. vi. (Ibid. II. 237.)—Congregat. Archipresbyt. ann. 1613 (Ibid. II. 271).—Tertia Congregat. Episc. ann. 1624 (Ibid. I. 466).—Ibid. I. 514.

Synod. Augustan. ann. 1567 P. III. c. ii. (Hartzheim VII. 182.)—Synod. Constant. ann. 1567 P. II. Tit. i. c. 9 (Ibid. VII. 541).—Synod. Ruremond. ann. 1570 (Ibid. VII. 653).—Synod. Boscodunens. ann. 1571 Tit. XIV. c. ii. (Ibid. VII. 723.)—Synod. Warmiens. ann. 1577 c. i. (Ibid. VII. 871.)—Synod. Mettens. ann. 1604 c. xlviii., liii., lxii. (Ibid. X. 768–70.)—Synod. Brixiens. ann. 1603 De discip. cler. c. xvii. (Ibid. VIII. 576.)—Synod. Namurcens. ann. 1604 Tit. VIII. c. vi. (Ibid. VIII. 623.)—Synod. Constant. ann. 1609 P. II. Tit. xvii. c. 7 (Ibid. VIII. 906).—Synod. Mettens. ann. 1610 Tit. XI. c. xi. (Ibid. VIII. 962.)—Synod. Antverp. ann. 1610 Tit. XVII. c. vi. (Ibid. VIII. 1003.)—Statut. Visitat. Salisburgens. ann. 1616 Tit. I. c. vi. (Ibid. IX. 266.)—Synod. Iprens. ann. 1629 c. xx. (Ibid. IX. 496.)—Synod. Namurcens. ann. 1639 Tit. XIX. c. ix., x. (Ibid. IX. 592–3.)—Synod. Audomar. ann. 1640 Tit. XIV. c. vii. (Ibid. X. 802.)—Synod. Colon. ann. 1651 P. II. c. ii. § 1 (Ibid. IX. 742).—Synod. Hildesheim. ann. 1652 (Ibid. IX. 805–6).—Synod. Colon. ann. 1662 P. III. Tit. ii. c. 1, 2, 3 (Ibid. IX. 1008-11).—Statut. Synod. Trevirens. ann. 1678 c. xi. xii., xiii., xiv. (Ibid. X. 60.)—Statut. Synod. Argentinens. ann. 1687 De clericis addit. I. (Ibid. X. 180.)—Synod. Brugens. ann. 1693 Tit. v. § 2 (Ibid. X. 202.)—Cod. Canon. Mettens. ann. 1699 Tit. X. c. xviii. (Ibid. X. 245.)—Synod. Bisuntin. ann. 1707 Tit. II. c. xxv. (Ibid. X. 291.)—Synod. Culmens. et Pomesan. ann. 1745 c. ix. (Ibid. X. 517.)

Concil. Toletan. ann. 1565 Act. II. cap. xxii.; Act. III. cap. xix., xxv. (Aguirre V. 396, 405–6.)—Concil. Valentin. ann. 1565 Tit. II. cap. xviii., xix. (Ibid. 425.)—Concil. Toletan. ann. 1582 Act. III. Decret. XXXV. (Ibid. VI. 12.)—Concil. Tarraconens. ann. 1591 Lib. I. Tit. viii.; Lib. III. Tit. ii. (Ibid. 256, 271–3.)—Synod. Oriolan. ann. 1600 cap. xxxiii. (Ibid. 456.)

to the temptations of the flesh, or to commit theft, prudently laid aside the monastic habit.[1] Apparently this caution was exceptional for Chiericato deplores the constant scandal given by religious, who are not ashamed to be seen entering and leaving the houses of public prostitutes.[2] Another celebrated jurist of the Order of Minims bears testimony to the demoralisation of his brethren when he declares that if the severe punishments provided for unchastity by the statues were enforced they would result in the destruction of all the religious congregations.[3]

That the awful sacrifice of the mass should be performed by a priest fresh from concubinary pollution, is a sacrilege, but even more to be dreaded would be the omission of the function which would reveal his weakness to his flock. For centuries the question has troubled the Church, and it has been forced to permit the sacrilege rather than to risk the exposure. The Council of Cambrai, indeed, devised a tolerably effective remedy, about the year 1300, when it ordered celebrants to confess daily to the episcopal penitentiaries,[4] but this was applicable only to the cathedral town and even there was too cumbrous to be enforced. Aquinas was more considerate to human frailty when he asserted that if the sinful priest could not confess before celebrating, he could qualify himself by

1 Ratio est quia tunc non dimittit habitum ut periculose vagetur, sed ut commodius fornicetur, vel liberius furetur.—Apud. C. Chabot, Encyclopédie Monastique p. 24 (Paris, 1827).

2 Nihilominus frequentissimum est, etsi inobservata etiam in peccatum carnis . . . in Religiosis qui non verentur ingredi domus publicarum meretricum et exire ex ipsis absque rubare, quamvis videantur ac observentur a transeuntibus et ab aliis in eodem vico habitantibus, qui omnes gravissimum scandalum ultra peccatum carnis committunt et deturpant bonum nomen suæ Ordinis.—Clericati de Virtute Pœnitentiæ Decisiones, p. 215 (Venetiis, 1706).

3 Spatharius, Aurea Methodus corrigendi regulares, 1625, p. 57—"atque mea sententia, in totalem ordinis ruinam et destructionem singularem religionum" (Apud Chabot. op. cit. p. 95).

4 Concil. Camerac. ann. 1300–1310 (Hartzheim IV. 65).

making a vow to confess.[1] The Council of Trent prescribes preliminary confession for a priest conscious of mortal sin, but this is not always easy, for confession is complicated with questions of jurisdiction and reserved sins, and it adds that if this is impossible, he must confess subsequently as soon as practicable.[2] Jansenist rigour was too severe to permit this sacrilege, but even it had to provide for frailty and it offered the suggestion that the peccant ministrant should scratch his thumb with a knife, bind up his hand and proclaim himself incapacitated.[3] The ordinary practice, however, with those who are scrupulous, seems to be to perform an act of contrition or to make a hasty confession in the sacristy before going to the altar.[4]

In the New World the licentiousness of the priesthood, as might be expected, began to vex the infant church as soon as it was organised among the heathen. Little more than half a century had passed since the voyages of Columbus, when Oviedo, the first chronicler of the New World, speaks of the licentiousness of the clergy as inviting the destruction of the Spanish Colonies, even as the marriage of the Greek priests had been punished by their subjection under the Turks.[5] The earliest synods

1 S. Th. Aquinat. Summæ Supplem. Q. VI. Art. 5.

2 Concil. Trident. Sess. XIII. De Eucharistia, cap xiiii.

3 De Charmes, Theol. Universal. Diss. v. cap. vi. Q. 5, § 3.

4 Jo. Gersoni Regulæ Morales.—Casus Conscientiæ Benedicti P.P. XIV., October 1736 cas. 3.—Corella, Praxis Confessionalis. P. II. Tract. xii. cap. 1, n. 11.

Miguel Albert alludes to a case in which a fornicating priest was convicted of heresy for not confessing before celebrating mass, and alleging that the virtue of the sacred vestments which he wore effaced all sins.—Repertor. Inquisitorum, s. v. Confessio (Valentiæ, 1494).

See also a case decided in Rome, May 9, 1896, and reported in *Il Consulento Ecclesiastico*, Vol. I., p. 165, and another decided 8 March, 1897, in which a priest committed incest with his sister, whom he had intoxicated for the purpose, and celebrated mass the next day in order not to lose a handsome fee (Ibid. Vol. II. p. 160).

S. Alphonso Liguori (Theol. Moral. Lib. VI. n. 585) suggests a device for eluding the difficulty of reserved cases.

5 Oviedo Valdés, Las Quinquagenas de la Nobleza de España, I. 383 (Madrid, 1880).

and councils which were held contain the customary denunciations of concubinage and prohibitions for ecclesiastics to keep their children in their houses, to celebrate their baptisms and nuptials, and to be assisted by them in the ministry of the altar. Many, as we are informed by the first Council of Mexico, held in 1555, brought with them from Spain their concubines under the guise of relatives.[1] For the most part, however, they formed connections with the natives.

In fact, the institution of slavery and the subject populations among whom its ministers were scattered gave rise to fresh problems, which the Church sought perseveringly, but vainly, to solve. Thus, in New Grenada, before the conquest was fairly achieved, Bishop Barrios, of Santafé, held his first synod, in 1556, and there, after premising that the fruits of religion among the Indians depended upon the good example of their pastors, he proceeded to prohibit any priest stationed in an Indian town from having any Indian woman residing in his house; his food was to be cooked by men, or, if this was impossible, his female servant must be a married woman, residing with her husband under another roof[2]—a provision repeated by the synod of Lima in 1585.[3] A curious experiment in dealing with the troubles arising from slavery is seen in the Mexican canons, which directed that if an ecclesiastic had children by his slave, the ownership of the woman was to be transferred to the Church and the children were to be set free. It will be remembered (vol. i. p. 206) that in 1022 the Church insisted upon the continued servitude

1 Concil. Mexican. I. ann. 1555 cap. lvii.—The first and second Mexican Councils are not contained in Aguirre's collection, but were printed, together with the third, by Archbishop Lorenzana, in two folio volumes, Mexico, 1769. The Third Council has also been reprinted in Mexico, in 1858, as a manual of existing local ecclesiastical law.

2 Constituciones Sinodales de Santafé, 1556 cap. IV. (Groot, Hist. Eccles. y Civil del Nuevo Reino de Granada, T. I. Append. ii. p. 497.)

3 Synod Diœc. Limens. III. ann. 1585 cap. xi., lxvii. (Aguirre, VI. 193, 198.)

of clerical bastards whose mothers were serfs of the Church; and the contrast between this and the regulation which proclaimed the freedom of the children as a punishment inflicted upon the father is perhaps the sorriest exhibit that could be made of the character of those who were engaged in spreading the teachings of Christ among the heathen.[1]

While there can be no doubt that much heroic self-devotion was shown in the efforts made to convert the new subjects of Spain, it is equally unquestionable that a majority of the ecclesiastics who sought the colonies were men of evil character. The councils held in the several provinces deplore the bad example which they set to their newly converted flocks, and the regulations which were issued time and again against their excesses show the impossibility of keeping them under control. In Peru, for instance, when in 1581 St. Toribio commenced the quarter of a century of labour as Archbishop which worthily won for him the canonisation accorded by Benedict XIII. in 1726, two councils had already been held in Lima, one in 1552 and the other in 1567, which had essayed a reformation of morals. He, in turn, lost no time in summoning a provincial council, which assembled in 1583, the decrees of which, in their denunciation of all manner of vices, show how ineffectual the previous efforts had been. The clergy were not disposed to submit tamely to the new restraints which Toribio sought to impose, and, while the active resistance which some of them raised was subdued, the underhand management of others was so far successful that the royal assent to the proceedings of the Council was delayed till 1591.[2] Notwithstanding the activity of Toribio, who, between 1583 and 1604, held three provincial councils and ten diocesan synods, who three

[1] Concil. Mexican. I. ann. 1555 cap. li.—Concil. Mexican. III. ann. 1585 Lib. v. Tit. x. § 8.

[2] Aguirre, VI. 51, 55.—The canons of the council directed against concubinage &c. are Act. III. c. 18, 19, 20, 23, 24 (Ibid. pp. 40–41).

times personally visited every portion of his vast archbishopric, and who repeatedly ordered his vicars to send secret reports of concubinary and dissolute priests, he was obliged, in the provincial council of 1601, to content himself with renewing the regulations of 1583, sorrowfully observing that they had recived scant obedience, and that consequently the corruption and abuses prevalent among the clergy deprived them of usefulness among their Indian parishioners.[1] We can thus readily understand the grief with which the honest Fray Gerónimo de Mendieta, a contemporary, after depicting the eager docility with which the natives at first welcomed Christianity, contrasts it with the hatred which sprang up for the very name of Christian when they realised the hopeless wretchedness of their position under their new taskmasters; and the Fray does not conceal the fact that this was partly owing to the character of some of the clergy, while the better ones were disheartened and discharged their trusts mechanically, without expectation of accomplishing good.[2] This condition of morals did not improve with time. In his official report of 1736, the Marques del Castel-Fuerte, Viceroy of Peru, remarks that the greater portion of those of Spanish blood born in the colonies embraced an ecclesiastical life, as offering an easier and more assured career than any other. Surrounded by their Indian subjects, the pastors lived in luxury and licence, which their superiors did little or nothing to check. In 1728 the civil power was ordered to make an investigation into the morals of the priesthood, and especially to designate those whose concubinage was open and notorious—an invasion of the sacred immunities of the Church which provoked a storm against the secular authorities, although only an exami-

1 Synod Diœc. Limens. III. ann. 1585 cap. XXXVI.—Synod. VIII. ann. 1594 cap. XXXVI.—Concil. Provin. Limens. III. ann. 1601 Act. II. Decret. iv. (Aguirre, VI. 197–8, 436, 479.)

2 Mendicta, Historia Eccles. Indiana, Lib. IV. cap. xlvi. (Mexico, 1870.)

nation was proposed, and there was no attempt to be made of conviction or punishment.[1] There is therefore no reason to question the truthfulness of the description by Don Jorje Juan and Don Antonio de Ulloa, in an official report made about 1740, when they assert that the clergy of Peru, both secular and regular, live so licentiously and with such scandal and self-indulgence that, although all men have their weaknesses and human nature is fragile in Peru, yet it seems as though it were the special function of these ecclesiastics to exceed all the rest in the perverted habits of their disorderly lives—an assertion which the writers proceed to justify by abundant details of the most convincing character.[2]

That the monastic establishments shared in the general dissoluteness we may fairly conclude when we see the precautions which St. Toribio found necessary to preserve the purity of the spouses of Christ. Thus one regulation provides that no ecclesiastic shall visit a nun without a written permission, to be granted only by the Archbishop himself, or his Provisor; and so little confidence did he feel in the guardians whom he himself appointed, that he directs that the official visitors who inspected the nunneries should not enter them without some special and urgent reason.[3] In fact, the report of Juan and Ulloa, declares that the regulars exceed the seculars in their disorders, which are so public and notorious as to fill one with horror.

1 Memorias de los Vireyes del Peru, Lima, 1659, T. III. pp. 63–70.

2 Noticias secretas de America, Sacadas á Luz por Don David Barry, p. 490 (London, 1826).

Juan and Ulloa were distinguished men of science, sent in 1735, to co-operate with a similar party from France in the measurement 'of an equatorial arc of the earth's surface. They carried instructions to make a confidential report on the resources, condition and administration of the colony, in fulfilment of which they traversed it from end to end. Their voluminous report lay hidden in the Spanish archives until unearthed and printed by Mr. Barry.

3 Synod. Diœc. Limens. III. ann. 1585 cap. xli.—V. ann. 1588 cap. ix. (Aguirre VI. 198, 216.)

A curious rule adopted by the first Council of Mexico in 1555 shows how much more scandal was dreaded than sin. In order, as it says, to avert danger and infamy from the clerical order and from married women, it prohibits the Fiscal, or prosecuting officer, from taking cognisance of cases of adultery committed by ecclesiastics, unless the husband be a consenting party, or the adulterer makes public boast of it, or the fact is so notorious that it cannot be passed over in silence; and even when action thus is not to be avoided, in no case is the name of the woman to be mentioned in the proceedings. The Provisors, however, are not forbidden to take notice of such crimes, but are allowed to settle them, if they can, with all due discretion.[1] As might be expected these regulations, by giving practical immunity, led to an increase in crime, and the third Council of Mexico in 1585 tells us that many of the clergy indulged in it, in preference to ordinary concubinage, in the confidence that they would not be prosecuted; but the amended rule adopted by the Council to meet this trouble differs so little from its predecessors, that we may reasonably doubt whether it was followed by any diminution in the evil.[2] And this, judging from Rivera's notes to his edition of 1859, is the existing state of ecclesiastical law in Mexico,[3] although the Tridentine canon specially orders the Episcopal Ordinaries to proceed *ex officio* in all such cases, even of laymen.[4]

1 Concil. Mexican. I. ann. 1555 cap. lxxxi.

2 Concil. Mexican. III. ann. 1585 Lib. v. Tit. x. § 7.

3 Notes 57 and 229, pp. 452, 549.

4 Concil. Trident. Sess. XXIV. De Reform. Matrim. c. viii.—It requires some artful special pleading on the part of Rivera and of the authorities on whom he relies to reconcile this Mexican laxity with the instructions of the Council of Trent.

CHAPTER XXX

SOLICITATION

The Church of the post-Tridentine period was brought into the strongest competition with the Reform, which had carried away nearly half of Europe and was seriously threatening to secure the rest. The needs of the counter-Reformation rendered obligatory efforts at internal purification, which had been superfluous during the ages of unquestioned theocracy, and there was no point in which this was more imperative than in the relations between the celibate priest and his spiritual daughters in the sacrament of penance. The power of the confessional, one of the most effective instrumentalities invented by the ingenuity of man for enslaving the human mind, was peculiarly liable to abuse in sexual matters. No one can be familiar with the hideous suggestiveness of the penitentials without recognising how frequent must be the temptations arising between confessor and penitent, while their respective relations render seduction comparatively easy, and unspeakably atrocious.[1] To deprive such relations of danger requires the confessor to be gifted with rare purity and holiness, and when these functions were confided to men such as those who composed the sacerdotal body, as we have seen it throughout the Middle Ages, the result was inevitable.

The scandals of the confessional were no new source

1 For the brutal details of the questions which the confessor was required to ask of his penitents, female as well as male, see Burchardi Decretorum Lib. XIX. c. v. I dare not give even a specimen.

of tribulation to the Church and the people. No sooner had the early custom of public and lay confession tended to fall into the hands of the priesthood than it was found necessary to call attention to the dangers thence arising. The first Council of Toledo, in 398, forbids any familiarity between the virgins dedicated to God and their confessors.[1] About the year 500, Symmachus calls attention to the spiritual affinity contracted between the confessor and his penitent, rendering the latter his daughter; he alludes to Silvester as having denounced guilty relations between them, and proceeds to decree not only deposition in such cases, but life-long penitence.[2] As sacerdotal confession gradually became customary, a decretal was forged—whether to give additional authority to the practice, or to impress upon the minds of confessors the necessity of prudence—by which the name of Celestin I. was used for a regulation confiscating all the possessions of the female delinquent and confining her in a monastery for life, while the seducer was warned that such sin with his spiritual daughter amounted to a grave case of adultery, for which he must be deposed and undergo penance for twelve years, provided, always, that the facts had become known to the people,[3] thus indicating that scandal rather than sin was the danger most dreaded.

It was inevitable that this trouble should continue, as we have seen it do throughout the whole history of a celibate priesthood.[4] So constantly was "solicitation"—*solicitatio ad turpiœ*, as it came to be technically called—

1 Concil. I. Toletan. ann. 398 can. vi. For the gradual growth of confession and its conversion from public to auricular, see the author's "History of Auricular Confession and Indulgences," 3 vols., Philadelphia, 1896. Confession to the priest was not made obligatory until the fourth Council of Lateran, in 1215–16.

2 Gratian. Caus. XXX. q. i. can. 8.—Whether this decretal be authentic or not there is significance in Gratian's including it in his collection.

3 Gratian. Caus. XXX. q. i. can. 9, 10.—Although long practically obsolete these canons are quoted, in 1611, as still in force by Jacobus and Graffüs, "Decisionum aurearum casuum conscientiæ," P. II. Lib. I. cap. vi. n. 53 (Venetiis, 1611).

4 See Vol. I., passim, especially p. 435.

borne in mind that the mediæval canonists recognised that a parish priest known to be addicted to it forfeited his jurisdiction over his female penitents, who were at liberty to seek another confessor.[1] St. Bonaventura, indeed, declares that there are few parish priests free from this or from other defects that should incapacitate them.[2] That it was the subject of frequent and indignant reprehension on the part of those who sought to elevate and purify the church we may well believe. Calixtus II. freely assumes the perdition of the priest who thus betrays the sacred confidence reposed in him, denouncing him as a lion devouring sheep, as a bear attacking a traveller who has lost his way, as a fowler spreading lures for birds and attracting them with sweet sounds, while the woman he treats not as a partner in guilt, but as an unfortunate who finds destruction where she is seeking salvation.[3] It is observable here that the fault is assumed to lie exclusively with the confessor, and such is likewise the case in the eloquent denunciations of Savonarola, who declares that the Italian cities are full of these wolves in sheep's clothing, who are constantly seeking to entice the innocent into sin by all the arts for which their spiritual directorship affords so much scope.[4] For this there was virtual immunity. Like all other sins it was made a source of profit to the curia, which offered absolution and a dispensation to hold benefices for the moderate price of thirty-

[1] S. Th. Aquinat. Summæ Supplem. Q. VIII. art. 4.—Astesani Summæ Lib. V. Tit. xiii. q. 2.—Summæ Sylvestrina s.v. Confessor I. ss. 10–11.

Guido de Monteroquer, however (Manipulus Curatorum, P. II. cap. iii. art. 9), says that when such a priest refuses to grant a licence to confess elsewhere, or there is no other priest accessible, the woman must confess to him, after prayer to God to resist his importunities.

[2] S. Bonaventura, Quære Fratres Minores prædicant (Opusc. I. 405).

[3] Calixti II. Serm. I. de S. Jacob (Migne's Patrolog. T. 163 p. 1390).—The genuineness of these sermons has been doubted, but they are unquestionably, if not by Calixtus, by a writer nearly contemporary.

[4] Perrens, Jérome Savonarole, p. 71. See also Cornelius Agrippa, De Vanitate Scientiar. c. lxiv.

six *gros tournois*.[1] For those at a distance from Rome the local episcopal courts were equally lenient, if we may judge from the case of Alonso de Valdelamar, a priest of Almodovar, tried in 1535 by Blas Ortiz, vicar-general of the Archbishop of Toledo. The charges fully proved against him embraced the seduction of two of his female penitents and his refusal of absolution to a third unless she would surrender herself to him, besides a miscellaneous assortment of crimes—theft, blasphemy, cheating with bulls of indulgence, charging penitents for absolution and frequenting brothels. For all this he was sentenced to a fine of two ducats and the costs and fees of his trial, and to thirty days seclusion in the church to repent of his sins and fit himself for celebrating mass, after which he was free to resume his flagitious career.[2] The regular Orders seem to have been equally benignant with their delinquents. In the Mexican case of Fray Juan de Valdaña, guardian of the Franciscan convent of Suchipita, who made no secret of his affairs with his penitents, it was in evidence, on his trial by the Inquisition in 1583, that when remonstrated with, he asked what could his prelates do to him? it was only a dozen strokes of the discipline and a year's suspension from his guardianship.[3]

The Lutheran revolt, which found in the crime euphemistically termed Solicitation, a favourite point of attack, wrought a change in the view taken of it. The reforming Bishop of Verona, Matteo Ghiberti (died in 1543), decreed severe temporal punishments for all attempts on the virtue of female penitents, culminating in deprivation and perpetual imprisonment when the attempt was successful.[4] In his case this was doubtless prompted by sincere con-

1 Taxes des Parties casuelles, p. 79 (Lyou, 1564).

2 Archivo histórico nacional de España, Inquisicion de Toledo, Legajo 233, n. 100.

3 MSS. of David Fergusson, Esq.

4 Salzedo, Practica criminalis canonica, p. 276 (Compluti, 1587).

viction of the iniquity of the offence, but even those who thought lightly of it recognised that the time had passed for its condonation. Bernal Díaz de Lugo, in 1543, intimated that improper relations between confessor and penitent are not much worse than ordinary concubinage, but that when they become publicly known they should be visited with deprivation and imprisonment, seeing that notoriety tends to prevent men from allowing their wives and daughters to confess and exposes the sacrament of penitence to heretical assault.[1] In the same spirit, Archbishop Carranza of Toledo, in 1558, tells us that the enemy took full advantage of this weak spot in the line of defence.[2] As the Council of Trent assumed that God would not deny the gift of chastity to a celibate priesthood, it could scarce refer to such a matter, even if the dread of scandal arising from any allusion to it had not imposed silence, and it adopted no provisions to lessen the evil. About that time, however, a preventive effort was commenced by the invention of the confessional. Hitherto the priest had heard confessions in the open, with the penitent at his knees or seated by his side, which gave ample opportunity for temptation and solicitation. To remedy this the confessional was gradually evolved—a box in which the confessor sits while the penitent outside pours the tale of his sin through a grille, neither being visible to the other. The earliest allusion to such a contrivance that I have met occurs in a memorial to Charles V., by Siliceo, Archbishop of Toledo, in 1547.[3] In 1565 a Council of Valencia ordered its use, especially for the confession of women, and between 1565 and 1575 S. Carlo Borromeo introduced it in his province of Milan, while the Roman

1 Bern. Diaz de Luco, Practica criminalis canonica, cap. 75, 76 (Venetiis, 1543).

2 Carrauza Commentarius sobre el Catechismo, Tercero Sacramento, cap. vii

3 Burriel, Vida de los Arzobispus de Toledo (Biblioteca nacional de España seccion de MSS. Ff. 194, fol. 9).

Ritual of 1614 prescribes its employment in all churches.[1] The command was obeyed but slackly, for the innovation had to win its way against the pronounced opposition of the priesthood, who objected to this seclusion from their penitents. In Spain we find the Inquisition, between 1710 and 1720, busy in endeavouring to enforce the use of the confessional and, as late as 1781, it issued a decree to be printed and sent to all parish priests and superiors of convents who were to post it in their sacristies. In this it alludes to its previous repeated orders and its sorrow at the evils arising from their non-observance or from the devices used to elude them, of which it gives a curious enumeration.[2]

A drawback to the advantages of the confessional was the opportunity which it afforded for laymen to ensconce themselves and hear confessions of women, whether from jealousy or to gratify prurient instincts, or because it enabled them to ask indecent questions. Such cases were not uncommon, and though the offenders were not liable to prosecution for solicitation, they were held subject to the Inquisition for suspicion of heresy. If the pretended confessor, however, ventured to administer absolution he came under the savage decrees of Paul IV., Gregory XIII., and Urban VIII., which prescribed burning alive for such sacrilege, although in Spain the Inquisition humanely modified this to service in the galleys.[3]

Mechanical devices, however, went but a little way to cure an evil so widespread and so persistent. If the

1 Concil. Valentin. ann, 1565, Tit. II. cap. vii. (Aguirre V. 417.)—C. Mediolanens I. ann. 1565 P. I. cap. vi. (Harduin. X. 653.)—C. Provin. Mediolanens IV. ann. 1576 (Acta Eccles. Mediolanens, I. 146).—Rituale Roman. Tit. iii. cap. i.

2 Archivo de Simancas, Inquisicion, Sala 39, Legajo 4, fol. 34, 55, 81.—Archivo histórico nacional, Inquisicion de Valencia, Legajo 9, n. 2, fol. 236; Cartas del Consejo, Legajo 16, n. 6, fol. 9.

3 Cozza, Dubia selecta circa Solicitationem, Dub. XXXVIII. (Lovanii, 1760.)—Trimarchi de Confessore abutente Sacram. Pœnitentiæ, Tract. unicus, p. 147 (Genuœ, 1636).—Bullar, Roman. II. 415; III. 142; IV. 144.—Archivo histórico nacional, Inquisicion de Valencia, Legajo 299, fol. 80.

mouths of mocking heretics were to be closed, some efficacious method must be found for the discovery and punishment of offenders. Yet this was surrounded with difficulties. The crime was secret and known only to the confessor and penitent, and the latter, whether she yielded or not, was deterred from volunteering a complaint by the notoriety which accompanied it, compromising her with husband or father, to say nothing of the dangerous enmity which she would excite. Strictly speaking, such matters were not covered by the seal of the confessional, but she could scarce know this in the face of assertions freely made to the contrary.[1] The spiritual courts, moreover, which held exclusive jurisdiction, were not, as we have seen, disposed to treat the offender harshly, and a not unnatural *esprit de corps* would lead them to reject accusations which could not be supported by witnesses and were so easily discredited. Then, beyond all else, was the ever-present dread of scandal to be aroused through the publicity of open trials, with the consequence of rendering confession odious and of affording comfort to the heretic. Thus the crime, although peculiarly heinous, was almost assured of impunity.

Yet there was in Spain a tribunal which, by its impenetrable secrecy, could avert scandal and by its special procedure could hope to procure convictions. This was the Inquisition, and, though its Apostolic jurisdiction was confined to heresy, yet heresy was an elastic term which, like charity, could be made to cover a multitude of sins. Pedro Guerrero, the reforming Archbishop of Granada, chanced to represent to Paul IV. the frequency of the crime and the necessity of some more efficacious means of repression.[2] Whether or not he directly suggested the interpellation of the Inquisition

1 Rodriguez, Nuova Somma de' Casi de Coscienza, P. I. cap. 53.
2 Archivo de Simancas, Inquisicion, Libro 939, fol. 374.

Pattee Library, Penn State University

does not appear, but Paul resolved on tentatively trying the experiment, and, on 18 February, 1559, he addressed to the Inquisitors of Granada a brief in which he assumed that confessors who could so abuse their functions must hold unorthodox views as to the sacrament of penitence, rendering them suspect of heresy and subjecting them to the Holy Office. The inquisitors were thus authorised to prosecute such offenders and punish them at discretion, even to "relaying" them to the secular area for burning. As the case was heretical, the exemptions of the Regular Orders were withdrawn, and they were subjected to the jurisdiction of the Inquisition.[1]

We have no records to inform us what was the result of this in Granada, but presumably it sufficed to indicate the extent of the evil and the increased efficacy of the new method for its discovery and punishment. Accordingly, Pius IV., by a bull of 14 April, 1561, addressed to Valdes, the inquisitor-general, empowered the Inquisition, throughout the Spanish dominions, to investigate and punish all confessors who solicited women in the act of confession, even to the extent of degrading and relaying them to the secular arm for punishment at its discretion. As before, all exemptions of the monastic Orders were withdrawn.[2]

The Inquisition was nothing loath to exercise this new power, and, to render it effective, in the next annual

1 Bulario de la Orden de Santiago, Libro III. fol. 322 (Archivo hist. nacional).

The theologians did not find it easy to explain the "suspicion of heresy" inferred in solicitation, and constructed various theories to elucidate it.—Alberghirri, Manuale Qualificatorum, cap. xxxi. § 2, n. 1.

How nebulous was the subject appears from the fact that, as we shall see, in Italy the suspicion was held to be "vehement," and in Spain to be "light"—a distinction of importance in inquisitorial procedure, as the former entailed relaxation, or burning, in case of relapse.

2 Pii PP. IV. Bull. Cum sicut nuper (Bullar. Roman. II. 48).

The definition of the crime in this bull, on which a good deal subsequently hinged, was rather vague. It alludes to the priests who "sacramento pœnitentiæ in actu audiendi confessiones abutantur," and describes their offence "mulieres videlicet pœnitentes ad actus inhonestos dum earum audiunt confessiones, alliciendo et provocando seu allicere et provocare tentando."

publication of what was known as the Edict of Faith, solicitation was included among the offences which every one having knowledge was required to denounce to the Holy Office.[1] As this edict was solemnly published in the churches on a feast-day, at which the whole population was summoned to attend, it was a most effective means of acquainting the people with the new legislation and of inviting information from every source. Naturally it produced a sensation, although this has been absurdly exaggerated by hostile writers.[2] This bold abandonment of the traditional policy of the Church to cover such offences with the deepest silence evoked opposition which finds expression in a memorial presented to the Inquisition. This commences by deploring the crime which converts the sacrament into a snare for the ruin of souls; but, evil as is this, the evils of publicity are greater. The crime has always existed, for men are men and women are women, but the Church has never before attempted so novel a cure. It has always been the policy to conceal the offences of the clergy and not to risk the diminution of the reverence due to them. Scandal is the very thing to be avoided; the authority of the priesthood depends upon popular estimation, which should not be imperilled. To proclaim to the world that the confessional is thus abused is to deter people from seeking it; fathers and husbands will prevent their women from confessing, respect for the sacrament will be destroyed and Christianity will be overthrown. Besides, it is usually the women who are

[1] Archivo de Simancas, Inquisicion, Libro 939, fol. 107.

[2] González de Montes relates that when the edict was published in Seville in 1563. it brought to the Inquisition such a crowd of accusing women that twenty secretaries were unable to take down the depositions within the allotted term of thirty days, and the time had to be extended to four months, causing finally so great a popular ferment, and implicating so large a portion of the clergy, that the attempt had to be abandoned.—Reg. Gonsalvii Montani, Inquisitionis Hispan. Artes aliquot detectæ, pp. 184 sqq. (Heidelbergæ, 1567.)

See also Cipriano de Valera's account of the trouble in Seville.—Los dos Tratados, p. 271 (Reformistas antiquos Españoles).

the tempters, and, when their advances are repelled, they will bring false charges to ruin the innocent. Moreover, the comfort is to be considered which it will bring to the heretics, justifying their slanders on the morals of priests and friars. Altogether the document, which is not without learning, is a barefaced admission that morals and religion have nothing in common, and that the salvation of souls is of small account in comparison with the material interests of the Church.[1]

It is easy to conceive how pressure of this kind increased; the Inquisition in time yielded, and, on 22 May, 1571, it instructed the tribunals that solicitation was no longer to be included in the edict, on account of the evils which it caused. The inquisitors were told to devise such other means as they could and to notify prelates to instruct confessors that, when penitents confessed to having been solicited, they must be admonished to denounce the offenders to the Holy Office. The result of this was not satisfactory after a few years' trial, and, on 2 March, 1576, an edict to be published in future was sent to the tribunals containing the crime of solicitation. The reason given is its great increase, and the inquisitors are taken to task for not acting upon the denunciations which they received.[2] This remained the settled policy of the Inquisition, and all who knew, directly or indirectly, of such cases, were required to denounce them under pain of major excommunication.

The chief sufferers under this new dispensation were the Regular Orders, for not only was the business of confession largely in their hands, but the temptation to abuse it was greater than among the secular clergy who had fuller opportunities for less dangerous indulgence. The Inquisition moreover was resolute in enforcing its jurisdic-

[1] Biblioteca nacional de España, Seccion de MSS. S. 294, fol. 216.
[2] Archivo de Simancas, Inquisicion, Legajo 1465, fol. 16.

tion over them and, when two Jesuit fathers, Sebastian Briviesca and Cristóbal Trugillo, who were guilty of the offence, were quietly conveyed out of Spain, it prosecuted and imprisoned, in 1587, Francisco Marcen, the Provincial of Castile, with fathers Francisco Labata and Juan López, for infraction of the edict commanding all cases to be reported to it.[1] Jesuit influence was powerful in Rome; Sixtus V. promptly evoked their cases to himself and, when the Inquisition demurred, he threatened Inquisitor-general Quiroga with deprivation of his office and cardinalate, which brought submission to his mandate.[2] Encouraged by this, the Jesuits laboured strenuously to obtain exemption for all the religious Orders, but the whole influence of Spain was brought to bear and, after a prolonged struggle, the Congregation of the Universal Inquisition, in the presence of Clement VIII, issued a decree, 3 December, 1692, declaring that the jurisdiction of the Spanish Inquisition was exclusive and that the superiors of the regulars could not exercise it. This was confirmed, in 1605, by Paul V. in a general constitution, revoking the jurisdiction of superiors in all cases pertaining to the Inquisition, and the question was permanently settled.[3]

Although Portugal had been added to the Spanish crown in 1580, the separate organisation of its Inquisition had been preserved and it was not until 1608 that Paul V. extended to it jurisdiction over solicitation in the same terms as those granted to the Spanish tribunals.[4] That the Roman Inquisition should exercise the same power may be assumed as a matter of course.

In all these decrees the definition of the crime, as we have seen, was so loosely phrased that there was little

[1] Vatican Library, MSS. Ottobonian. Lat. 495.

[2] Archivo de Simancas, Graein y Justicia, Inquisicion, Legajo 621, fol. 139.

[3] Bulario de la Ordui de Santiago, Lib. IV. fol. 109, 111.—Archivo de Alcalá de Herrares, Hacienda, Legajo 1049.

[4] Pauli PP. V. Bull. *Cum sicut nuper*, 16 September, 1648 (Trimarchi, op. cit. p. 7).

difficulty in evading the letter of the law, for in practice it was construed that technical solicitation was confined to women and that it must be committed during the very act of confession. As early as 1577 the Supreme Council of the Spanish Inquisition ruled that there was no penalty for soliciting penitents in the place assigned for confession if there was no confession, and soon afterwards that, if the confessor told the penitent that he did not wish to confess her, he was not to be prosecuted for soliciting her.[1] All this opened the door to so many evasions that the effectiveness of the bulls was seriously crippled. The churches were for the most part deserted, the attitude of penitent and confessor would disarm the suspicion of any one who chanced to observe them and amorous endearments and even incredible indecencies might easily be indulged in so long as there was no actual sacramental confession, as is shown by frequent and flagrant details in the trials. The Roman Inquisition sought to check these abuses by subjecting them to the Holy Office, in decrees of 10 July, 1614 and 6 February, 1619,[2] but these decrees seem not to have been accepted in Spain, for de Sausa, in 1623, repeats the assertion that there must be actual confession and that the opposite opinion is destitute of all probability. In this he is supported by an experienced inquisitor, about the same time, who says that when there is an assignation and only an external appearance of confession there is no sacrament and therefore no sacrilège.[3]

[1] Archivo de Simancas, Inquisicion, Legajo 1465, fol. 16.—MSS. of National Library of Lima, Protocolo 223, Expediente 5270.—"Confesores que con intento de solicitar á sur bijas de confesion dicen que no las quieren confesar, se puide dejar de proceder contra ellas."

[2] Tremarchi, op. cit. pp. 10, 11.

[3] Ant. de Sousa, Opusculum circa Constit. Pauli V. Tit. 1, cap. 19 (Ulyssip. 1623). Biblioteca nacional de España, Seccion di MSS. B. 159, fol. 159.

The Roman Inquisition, by decree of 24 November, 1612, extended the operation of the bulls to the solicitation of males, which was accepted in Spain and announced to the tribunals, 8 May, 1613.—Archivo de Simancas, Inquisicion, Legajo 1465, fol. 16.

Another and even more dangerous evasion was evolved from the words of the bills, implying that solicitation must be in the act of confession. Probabilism and casuistry were developing rapidly and ingenious moralists were busy in demonstrating how all the sanctions of the moral law could be eluded. It was explained that if the confessor should make his advances before confession actually commenced, or wait until after it was concluded and absolution given, there would be no irreverence to the sacrament and consequently no suspicion of heresy for the Inquisition to punish. By no means all authorities assented to this, but it was defended by enough to render it probable and consequently safe in practice.[1] Then the question as to what acts and words amounted to solicitation opened a wide field for the dialectics of the casuists. The rule that whatever a priest does is to be interpreted favourably—that if he embraces a woman it is to be held that he is blessing her—was invoked to prove that winks and nods and praises of her beauty were not to be regarded as tempting her to evil. The more rigid moralists asserted that such acts were foreign to the sacrament and could only be construed as opening the way to further advances, while others held that unless the acts amounted to mortal sin they did not come within the papal bulls—that to tell the penitent that she was pretty and cultivate her friendship so as to be invited to her house might be imprudent but was not a mortal sin.[2] There was another question on which opinions were divided—whether a priest acting in the confessional as a pimp for the benefit of another, or urging the penitent to serve as a procuress for him, came under the definitions of the bulls.[3]

1 Biblioteca nacional de España, ubi sup.—Henriquez, Summa Theol. Moral. Lib. VI. cap. xvii. n. 42 (Venetiis, 1600).—Rod. â Cunha, pro SS. PP. Pauli V. Statuto, Q. 5 (Benavente, 1611).—Ant. de Sousa, op. cit. Tract. I. cap. xviii.—Trimarchi, op. cit. p. 83.—Paranio de Orig. Officii S. Inquisit. p. 878 (Matriti, 1598).

2 Rod. â Cunha, op. cit. Q. vii.—Ant. de Sousa, op. cit. Tract. I. cap. i.

3 Rod. â Cunha, Q. xvii.—Ant. de Sousa, Tract. I. cap. 14.—The bull of 1622

It was evident that papal utterances of a more definite character were requisite if the efforts to suppress the crime were to have a measure of success and, in 1622, Gregory XV. attempted this in the comprehensive bull *Universi Dominici Gregis.* He not only confirmed the acts of his predecessors but extended their provisions over all the lands of the Roman obedience, constituting not only inquisitors but also episcopal Officials as special judges over all the clergy, including the exempted religious Orders, with exclusive jurisdiction, and full power to inflict punishment, even to degradation and relaxation to the secular arm. Moreover he sought to meet all the evasions by defining that solicitation, whether for the priest himself or for another, could occur either before or after confession, and when there was a pretext of it, provided it was in a place where confessions were heard, and he included illicit and indecent talk and acts within the definition.[1]

The success of this well-intended measure scarce corresponded with its merits. At first Spain would have none of it. The Inquisition was exceedingly sensitive as to its exclusiveness of jurisdiction and the terms of the bull appeared to restore to the episcopal courts a cumulative cognisance of solicitation. By some means the Ordinary of Seville obtained a copy and showed it to the inquisitors. The Supreme Council of the Inquisition took

decided that acting as a priest was technically solicitation. As it said nothing about using the penitent as a procuress—which we are told was a more frequent practice —there were doctors who held that it did not subject the confessor to prosecution. Jo. Sanchez, Disputationes Selectæ, Disp. XI. n. 3, 4 (Lugduni, 1636)-—Trimarchi, op. cit. pp. 53, 55.

[1] Bullar. Roman. III. 484.—"Qui personas, quæcumque illæ sint, ad inhonesta, sive inter se sive cum aliis, quomodolibet perpetranda, in actu sacramentalis confessionis, sive ante vel post immediate, seu occasione vel prætextu confessionis hujusmodi, etiam ipsa confessione non sequuta, sive extra occasionem confessionis in confessionario, aut in loco quocunque ubi confessionis sacramentales audiantur. seu ad confessionem audiendam electo, simulantes ibidem confessiones audire, solicitare vel provocare tentaverint, aut cum eis illicitas et inhonestas sermones sive tractatus habuerint."

alarm and promptly addressed a memorial to Philip IV., 14 January, 1623, dwelling eloquently upon the heinousness and frequency of the crime, the energy and vigour of the Inquisition in repressing it and the disastrous consequences of granting concurrent jurisdiction to the bishops. Confessors would be much emboldened in their evil courses by the comparative leniency of the episcopal courts; the secrecy which kept a knowledge of these affairs from husbands and kinsmen would be destroyed, and, if the two complainants necessary for a trial should apply, one to the bishop and the other to the Inquisition, the culprit would escape. The King was therefore asked to obtain the exemption of Spain from the operation of the bull, which was speedily arranged. Then, after some delay, in 1629, the Supreme Council sent copies of the bull to the tribunals as a guide in practice. There was some trouble with bishops who revendicated jurisdiction under it, but the Inquisition boldly asserted that it had a special brief conferring exclusive jurisdiction, though this it could never exhibit, and it finally made good its claim.[1]

Elsewhere, the bull had a still more inhospitable reception. It was not accepted or published in either France or Germany. In France the assemblies of the clergy refused to receive it, declaring that it was unsuited to the customs of the country and that it tended to violate the seal of the confessional. It was even asserted to prove the fallibility of the Holy See, and an attempt to publish it, early in the eighteenth century, was suppressed.[2]

1 Archivo de Simancas, Inquisicion, Libro 940, fol. 212; Legajo 1465, fol. 16; Gracia y Justicia, Inquisicion, Legajo 621, fol. 27.—Archivo histórico nacional, Inquisicion de Valencia, Legajo 1, n. 6, fol. 274, 393; Libro 7 de Autos, Legajo 2, fol. 114.—Biblioteca nacional, Seccion de MSS. D. 118, p. 148.

2 Pontas, Dictionnaire de Cas de Conscience, I. 864 (Paris, 1741).—Lochou, Traité du Secret de la Confession, pp. 135, 144 (Brusselle, 1708).—Lenglet Du Fresnoy, Traité du Secret invoilable de la Confession, pp. 283, 304–20.

In France, solicitation was a *cas royal*, cognisable by the secular courts. A spiritual director of a convent convicted of it was hanged and burnt in the Place Maubert, 23 June, 1673.—Du Fresnoy, loc. cit.

Germany was either indifferent or opposed. In 1666, Father Gobat states that the Papal decrees have not been commented upon by German moralists, either because they have not been received there and there is no expectation that they will be, or because the German women cannot be expected to trouble with their complaints such exalted personages as bishops and vicars-general, and he adds that he can name a number of vicars-general who have never received such a denunciation, save one, in a single instance.[1] Yet this absence of complaint was not due to the superior morality of the German priesthood. In 1733, Dr. Amort tells us that a few years previously the Franciscans of Bavaria had agreed to receive the bull in so far as to prohibit any of their confessors from absolving a penitent who had been solicited by one of their own Order, unless she would permit him to denounce the offender, an example which Amort wishes were followed elsewhere, as it would be very useful in repressing many scandals which afflict the German Church.[2] As the Roman Inquisition, in 1633, had ordered all superiors of religious houses, under pain of deprivation of office and of active and passive voice, to assemble the brethren once a year and admonish them as to the observance of the bulls, this shows how completely they had been ignored.[3]

When Gregory included illicit and indecent acts and words in his definition of solicitation, he merely opened a field of unlimited debate. Every moralist had his own standard, from the extreme of rigorism to the most abandoned laxity. Thus already, in 1635, there was a discussion whether handing a love-letter to a penitent in the confessional came under the definition; if it was to be

1 Gobat, Alphabetum Confessariorum, n. 576–77.

2 Amort, Dict. Selectt. Casuum Conscientiæ, I. 704–5 (Aug. Vindel. 1733).—See Reusch (Beiträge zur Geschichte des Jesuitenordens, p. 236, München, 1894) for scandals recorded in the memoranda of a Jesuit visitor in South Germany.

3 Trimanchi, op. cit. p. 17.

read on the spot, it was generally so considered; if to be read subsequently, the stricter theologians condemned it, while others argued that the woman had been absolved and reconciled to God, so that the sacrament was out of the way. It was not until 1665 that Alexander VII. condemned the proposition that love-letters could be thus given without incurring the penalties of solicitation.[1] It was a received rule among moralists that *parvitas materiæ* —or the trifling character of an offence such as theft— reduced mortal sins to venial, but it was likewise agreed that there was no *parvitas materiæ* in usury or lust. Whether there was in solicitation was a disputed point until, in 1661, the Roman Inquisition decided in the negative. Still this settled little, for at the same time it decided that praising the beauty of a penitent or giving her a present might be solicitation or not according to intention.[2] Thus the question of intention threw everything in doubt and justifies Bodonus in applying it to such utterances as "Remember me, for I love you," "If I were a layman I would marry you," "Wait for me at home, for I have to speak with you about a matter of importance," and even advising a penitent to kill her husband, none of which justify denunciation for they may be innocent.[3] In 1741, Benedict XIV. endeavoured, in the bull *Sacramentum Pœnitentiæ*, to define the indefinable more accurately, but he could do little more than copy Gregory XV.[4] Subsequently to this, St. Alphonso de

[1] Trimanchi, op. cit. pp. 48–50.—Bullar. Roman. T. VI. Append. p. 1.

[2] Berardi de Sollicitatione, p. 5 (Faventiæ, 1897).

[3] Bodoni Sacrum Tribunal Judicum, cap. xxiii. n. 53–4, 60, 61 (Romæ, 1648); Ejusdem Manuale Consultorum, Sect. xxv. n. 91 (Romæ, 1693).

There were even doctors who held that a priest confessing a rich woman and taking advantage of her falling into stupor or delirium was not liable to denunciation, for in that condition she was no longer his penitent, and the papal bulls were directed not against fornicating priests, but soliciting confessors. Berardi, however, assures us (pp. 36–7) that the weight of authority is against this line of reasoning.

[4] Bullar, Benedicti XIV. I. 23.

Liguori, the most authoritative moralist of modern times, inclines to the laxist view—not wholly, but in many of the debatable cases. He follows the laxist system in construing strictly the words of the papal decrees and limiting them to the letter, not developing their spirit. The effort to subject the crime to the Inquisition, since all other jurisdictions had failed to curb it, rendered necessary the figment of suspicion of heresy arising out of flagrant contempt for the sacrament. Thus, even in lands where there was no Inquisition and since the Inquisition has been abolished, the sacrament came to be the one thing vital; the relation between confessor and penitent and the morals involved were lost to sight. Any vileness might be committed unless it could be proved that the sacrament was made the direct instrument of seduction. This is Liguori's guide, and the only difference between him and the extreme laxists is that he sometimes brushes aside the flimsy casuistry by which they sought to justify the unjustifiable.[1] All this discussion is not merely academic; it is of the utmost practical importance in guiding the confessor in granting or refusing absolution to a woman who has been solicited, if she declines to denounce the offender, and the net result is to prove that solicitation is a purely technical offence, which has nothing to do with morals.

Another source of perplexity in this matter, arising from the indispensable confidences of the confessional, is the difficulty of determining the limits of indecency

1 S. Alph. de Ligorio Theol. Moral. Lib. VI. n. 676–91.

It is true that Berardi (op. cit. pp. 21–5) controverts Liguori's tendency to laxity, but nevertheless he remains the chief authority relied upon by the congregation of the Inquisition. Thus, in answer to a request for a definition as to the degree of guilt which would bring a confessor absolving his partner in guilt under the constitutions of Benedict XIV., it replied, 15 September, 1859, to consult approved authors and especially Liguori (Il Consulenti ecclesiastico, IV. 19, Romæ, 1899). In fact, his canonisation and elevation to the dignity of a Doctor of the Church imply that his writings have been closely scrutinised and found to be flawless.

permissible to a confessor with his penitent, so long as he abstains from positive acts about which there can be no doubt. Suggestive questions and ribald talk might be merely for the delectation which the moralists tell us holy men experience in discussing these matters, or they might be for the purpose of insidiously inflaming the passions and corrupting a prospective victim, or again they might come within the scope allowed to the confessor of acquainting himself accurately with the spiritual and moral condition of the penitent. Where the line is to be drawn is incapable of practical definition. It is for the confessor to decide how far his conscience or his brutality may lead him, and, if the penitent complains, each case has to be settled on its own merits. This was not always by any means easy. In 1786 a nun of the Convent of Santa Clara of Játiva complained of Fray Vicente González, and reported a number of irregularly indecent and wholly irrelevant questions which he repeatedly put to her in confession. Under the advice of the definitor of his Order, she empowered him to denounce González to the Inquisition, whereupon the ordinary confessor of the Council intervened and persuaded the definitor to write a letter withdrawing the charges. The licence which some confessors permitted to themselves was shown in the case of Fray Vicente Sarria, in 1773, in which his interrogations were brutally indecent and completely superfluous, and in that of Maestro Diego de Agumanes, in 1742, who used to discourse at length, with a young nun, on sexual matters in a manner most provocative of passion.[1] In fact, the details of some of these trials would be incredible if they were not matters of judicial record, with every evidence of authenticity, and it is difficult to estimate the

[1] Archivo histórico nacional, Inquisicion de Valencia, Legajo 365, n. 46, fol. 26, 31; Inquisicion de Toledo, Legajo 227, n. 7.

That this sort of instruction in the confessional was not unknown in Italy may be gathered from Cardinal Cozza's Dubia selecta, Dub. 30.

filthy contagion which such men spread in the confessional.

Gregory XV., in his bull of 1622, endeavoured to overcome the greatest obstacle to the punishment of offenders—the difficulty of inducing solicited penitents to denounce their seducers. It was the only mode by which the crime could be known, while the reluctance of the woman was almost insuperable. In Spain, as we have seen, the Inquisition sought to accomplish this by the Edict of Faith, excommunicating those who failed to do so, and by ordering confessors to admonish their penitents as to their duty, when, as sometimes happened, the woman would include her sin in making another confession. There were authorities who denied that she was under this obligation, arguing that no one is obliged to denounce an accomplice when it may involve his own infamy,[1] and it required the severest pressure to compel performance. Gregory essayed this in a clause ordering all confessors, who learn that a penitent has been solicited, to admonish her to denounce the culprit; any who should neglect this or teach their penitents that soliciting confessors were not to be denounced, were to be duly punished by the inquisitors or ordinaries. The Spanish Inquisition, accordingly, in 1629, granted faculties to inquisitors to punish all confessors who taught such erroneous doctrine,[2] and Urban VIII. issued an encyclical ordering that when episcopal approbations were issued to confessors, they should be instructed to require denunciation by all penitents who had been solicited.[3] It illustrates the independence of the Gallican Church that it flatly contradicted these papal utterances. In 1707, with the support of the Faculty of Douai, the Sorbonne pronounced it to be a

[1] Biblioteca nacional, Seccion de MSS. B. 1159, fol. 161.—Sayri Clavis Regio Sacerd., Lib. XII. cap. xiv. n. 26, 32.

[2] Archivo histórico nacional, Inquisicion de Valencia, Legajo 1, Libro 6, fol. 274.

[3] Summa Diana, s.v. Denuntiare, n. 9.

mortal sin for a confessor to oblige a penitent to denounce a priest who had seduced her in the confessional.[1]

In Spain, the woman who failed to denounce incurred excommunication, and consequently was incapable of absolution until she did so, a rule enforced there as early as 1571, and at a later period elsewhere.[2] That it proved effective to some extent is seen in the fact that a large portion of the cases tried by the Spanish Inquisition derived from it their origin. Even the Edict of Faith was less productive in overcoming the deep-seated repugnance of women to expose their weakness, but, at some time or other, in making a general confession, they would chance to mention a slip of this kind, when denial of absolution would compel them to act. Yet that at best this was uncertain, is shown by the long interval which frequently occurred between the crime and its denunciation—in some cases twelve, fifteen, and even eighteen years.[3]

It was doubtless with the object of overcoming the repugnance of women to expose their shame that the Roman Inquisition, by a decree of 25 July, 1624, ordered that neither the penitent nor the confessor was to be questioned as to her consent, and that, if either of them volunteered the information, it was not to be entered on the record.[4] The casuists, indeed, agreed that the woman, if interrogated, could deny, using the mental reservation that she had not so consented as to reveal it to the examiner.[5] Be this as it may, the wholesome rule of the Roman Inquisition was long in winning its way in Spain, where the reports of the trials show that the unfortunate witness was spared nothing. Indeed, as late as 1750,

1 Lochon, Traité du Secret de la Confession, pp. 197 sqq.

2 Archivo de Simancas, Inquisicion, Libro 939, fol. 107.—Trimarchi, op. cit. pp. 95, 100, 104.

3 Archivo histórico nacional, Inquisicion de Valencia, Legajo 365, fol. 10, 18, 35.

4 Cozza Dubia selecta, Dub. XIV.

5 Trimarchi, op. cit. p. 119.

instructions to commissioners appointed to take depositions in these cases require them to ascertain and record all details with the utmost minuteness, no matter how obscene they may be.[1] Towards the close of its career, however, the Spanish Inquisition learned mercy, and instructions issued in 1816 require the examiner to warn the witness that she is not required to state whether she consented, and if she says that she did so, it is to be omitted from the record. It is likely, however, that this received scant respect, for, in 1819, the Supreme Council, in ordering the arrest of Fray Juan Montes, feels it necessary to call special attention to the rule.[2]

There was one thing which greatly reduced the pressure on the consciences of women, thus seduced, to denounce the delinquents—the habitual practice of the latter in granting them absolution for the sin committed. This destroyed the sin so effectually that it no longer counted before God or man ; it need not be recited in any subsequent confession, and it could be denied without sin for it no longer existed.[3] This was an old custom both with the concubinary priesthood and soliciting confessors, and, though it was deprecated by the schoolmen, the absolution was universally conceded to be valid as, indeed, it necessarily must be under the doctrine that the sacraments are not vitiated in polluted hands.[4] In every way the practice was scandalous and demoralising ; it gave the tempter an enormous advantage in overcoming the virtue

1 Archivo histórico nacional, Inquisicion de Valencia, Legajo 299.—"Á las quales procurara satisfazer con la mayor individuacion y claridad, declarando formalmente las palabras y acciones que intervinieron, por obsenas que sean."

2 Cartilla de Comisarios, §§ 9, 10 (Archivo de Simancas, Inquisicion, Legajo 1473).—Ibidem, Libro 890.

3 Herzig, Manuale Confessarii, P. II. n. 52.—Gury, Casus Conscientiæ, I. 418 ; II. 872.—*Cf.* S. Alphonsum de Ligorio, Theol. Moral. Lib. III. n. 162.

4 S. Th. Aquinat. Summæ Supplem. Q. XX. Art. ii. ad. 1.—Astesarri Summæ, Lib. v. Tit. xxxix. Q. 4.—Summa Sylvestrina s.v. Confessio sacramentalis, I. § 17 ; III. § 9.

of his penitent by promising her immediate pardon for their mutual sin, and it interfered greatly with the obligation of denunciation. It is therefore remarkable that Gregory XV., in his bull of 1622, should have omitted all reference to it. Apparently the abuse was so venerable and rested on foundations so dangerous to disturb that prudence counselled silence, while great canonists like Sánchez and Diana were found to argue that not only could the confessor absolve his partner in guilt, but that it was expedient for him to do so if it would soothe her conscience and avert defamation from her, and this although the relations between them were notorious.[1] Even in 1661, when the Roman Inquisition settled sixteen questions relating to solicitation, there was no allusion ventured to this.[2]

Had there been a sincere desire to put an end to the practice, a way could readily have been found by limiting the jurisdiction of the confessor in such cases, as had already been done by some thirteenth-century councils in the Low Countries, In 1661 the provincial synod of Cambrai revived their canons, and decreed that no confessor in such cases should have power to absolve, except *in articulo mortis*, a rule which was soon afterwards promulgated by the congregation of archpriests of the province of Mechlin.[3] Rome was slow to follow the example. In 1665, it is true, Alexander VII., in condemning a number of propositions, included one which affirmed that absolution under such circumstances relieved the woman from the obligation to denounce, but he went no further.[4] That such a proposition should have been defended shows the audacity of the latitudinarian moralists, but its condemnation did not affect the evil, which was left in the hands of

1 Summa Diana, s.v. Confessarius, n. 35 (Venetiis, 1646).
2 Berardi, de Sollicitatione, p. 5.
3 Hartzheim, III. 86; IV. 68; IX. 388.—Synodicon Mechlinense, II. 319.
4 Bullar. Roman. T. VI. Append. p. 1.

the episcopate. In the province of Mechlin the power to grant such absolutions was specially excepted in the certificates issued to confessors, but this accomplished little, and in 1698 the synod of Namur peremptorily inhibited the abuse.[1] In the province of Besançon a canon of 1689 declares that although the practice had long been forbidden, yet it continued to flourish, and a cure was sought in withdrawing the power to absolve such penitents — a regulation which had to be repeated in 1707.[2] In 1709 the Cardinal de Noailles, Archbishop of Paris, forbade it in his diocese, but Pontas informs us that such absolutions were valid everywhere, except where prohibited by episcopal authority, and Dr. Amort in 1732 makes the same statement as to Germany.[3] This discreditable condition continued until the accession of Benedict XIV., who in his constitution Sacramentum Pœnitentiæ, in 1741, denounced the device of sacrilegious ministers of Satan rather than of God in absolving their partners in guilt, and erected into a general law what had previously been mere local regulations in some dioceses. He absolutely prohibited such absolutions for the future, except *in articulo mortis* when no other priest was to be had ; he pronounced them when granted to be null and void, and punished the attempt with *ipso facto* excommunication, removable only by the Holy See.[4] In the next year, 1742, he extended these provisions to the Greek Churches in the Roman obedience, and four years later he showed how overmastering was the dread of scandal by permitting absolution *in articulo mortis* in all cases where another confessor could not be called in without exciting sus-

1 Hartzheim, X. 219.

2 Ibid. p. 323.

3 Pontas, Dict. de Cas de Conscience, I. 837.—Amort, Dict. Select. Casuum Conscientiæ, I. 932.

4 Bullar. Bened. PP. XIV. I. 23.—For a discussion on the subject see his De Synodo diœcesana, Lib. VII. cap. xiv.

picion, which was virtually a removal of the prohibition.[1]

These well-intentioned measures had little practical result. To what extent the bulls were admitted in the various European states I have no means of knowing, but the synod of Namur, in 1742, felt it necessary to remind confessors that they could not absolve women whom they had seduced in the confessional, and in 1768 the Bishop of Ypres was obliged to recall the attention of his clergy to the bulls of Gregory and Benedict, and to threaten their transgresssors with excommunication.[2] In 1775 the Apostolic Vicar of Cochin China had the effrontery to ask Pius VI. whether the provisions of Benedict XIV. applied to the Franciscan missionaries under his charge, and, if so, whether they could not be moderated, to which somewhat shameless questions Pius replied affirmatively as to the first and negatively as to the second; while the continuance of the abuse is shown by a pastoral letter of the Apostolic Vicar of Suchuen in 1803.[3] The Spanish Inquisition, after some little delay, accepted the bull Sacramentum Pœnitentiæ,[4] and in 1763 it told Padre Felipe Garcia Pacheco that his asserted ignorance of it did not relieve him from its operation. It produced, however, little or no practical effect. In the great majority of subsequent cases of solicitation the culprits had absolved the women, and the only result of the bull was that in their sentences they were told to secretly advise their penitents to repeat all subsequent confessions, as being invalidated, and, as

1 Bull Etsi pastoralis, § ix. n. 5 (Concil. Collectio Lacensis II. 518).—Constit. CXX. § 3 (Bullar. I. 219).

2 Hartzheim, X. 487, 638.

3 Collectio Lacensis, III. 554; VI. 646–7.

4 There was always delay in accepting papal utterances that had not been asked for. This bull must have occasioned considerable debate, for it was not until 22 December, 1743, that the papal nuncio transmitted to the Inquisitor-General, Manrique di Lara, two copies, with instructions to publish it in his diocese of Santiago.—Bulario de la Orden de Santiago, Lib. IV. fol. 283 (Archiva histórico nacional).

for themselves, to consult their consciences as to the irregularity of celebrating Mass while under the censures of the bull.[1] In this, as in so much else, the wholesome measures of the Holy See were virtually nullified in practice.

The confessor in search of easy victims had a resource in requiring male penitents, who confessed to carnal sins, to name their partners in guilt, when the knowledge thus gained could be utilised in selecting objects for solicitation. The custom was an old one, for the information thus sought might be used for good purposes as well as for evil. In the thirteenth century, Cæsarius of Heisterbach disapproves of it, for though it may sometimes be serviceable, priestly proclivity to sin, he says, renders it dangerous.[2] Towards the close of the sixteenth century, Bartolomé de Medina declares that, if a confessor refuses absolution unless the penitent reveals the name of his accomplice, he should be denounced to the Inquisition as a heretic, and the penitent should be refused absolution until he makes the denunciation.[3] It is somewhat remarkable that Benedict XIV. should have been the first to take action on this abuse. In 1745, in a brief addressed to Portugal, he prohibited utterly, as scandalous and pernicious, the custom of inquiring the name of the accomplice, and in 1746 he decreed excommunication, *latæ sententiæ*, reserved to the Holy See, on all who should teach it as being permissible. It was assumed that these briefs were confined to Portugal, and in a few months he was obliged to issue another declaring the prohibition to be general and to be enforced everywhere. Still another utterance was required in 1749, placing the offence in Portugal under

[1] A number of cases illustrating this will be found in the Archivo histórico nacional, Inquisicione de Toledo, Legajos 1 and 2.

[2] Cæsar. Heisterb. Dial. Moral. III. cap. 28–31.

[3] Bart. a Medina Instruct. Confessar. Lib II. cap. iv. De Complicibus, § 1 (Coloniæ, 1609).

the Inquisition.[1] I have not met with any formal grant of the kind to the Spanish Inquisition, but it assumed the power and, in spite of the papal prohibitions, until its suppression, there were cases brought before it of confessors who refused absolution unless the names of the guilty partners were revealed to them.[2] The abuse seems ineradicable. Pius IX., in the bull Apostolicæ Sedis (1849), deemed it necessary to decree reserved excommunication for all who should teach it to be lawful, and various recent councils have felt called to condemn the practice.[3] Notwithstanding all this, in modern times it is agreed that there are circumstances under which the confessor is justified in demanding the name of the accomplice under threat of withholding absolution, and as such necessity must of course be left to the discretion of the confessor, the door is kept open to the misuse of the power.[4]

Seduction in the confessional was not wholly confined to one side. The relations of confessor and penitent expose both to temptation, and what is known as passive solicitation occurs when the woman is the tempter. As the matter is not referred to in the papal decrees, writers on the subject are very much at odds as to its treatment and what is to be done to either party. They discuss the liability of the confessor when the solicitation is mutual, and when he yields to threats of making an outcry after

1 Benedicti PP. XIV. Constitt. Suprema, July 7, 1745 ; Ubi primum, 4 June, 1746 ; Ad eradicandam, 28 September, 1746 ; Apostolici ministerii, 9 December, 1749. See also his De Synodo diœcesana, VI. xi.

2 Archivo histórico nacional, Inquisicion de Valencia, Legajo 100.

3 Collectio Lacensis, VI. 159, 334.—Acta Concilii Plenarii Baltimorens, 1866, p. 305.

4 Schieler's Theory and Practice of the Confessional, p. 354 (New York, 1906). This work may be assumed to represent authoritatively the received practice of the Church, at least in Germany and the United States. It bears the imprimatur of Archbishop Farley of New York, it is translated under the supervision of the Rev. H. J. Heuser, Professor of Theology at Overbrook Seminary, and it has an Introduction by Archbishop Messmer, of Milwaukee. Moreover the publishers, Benziger Brothers, style themselves " Printers to the Holy Apostolic See."

he has rebuffed the temptress, and they draw distinctions between yielding on the spot and postponing the final act.[1] An authoritative decision was postponed until 1661, when the Roman Inquisition decided that the confessor was to be denounced, under the papal decrees, when the solicitation was mutual, and also when he yielded through fear, and nothing was said about the woman.[2] Subsequently to this Cardinal Cozza asserts that she is not liable to denunciation; she is not alluded to in the papal decrees, and the case, although equally an insult to the sacrament, is so rare in comparison with the converse that the Popes have not deemed it worthy of special animadversion.[3] From this we may assume that the space devoted to the matter by the commentators, and their assertions of its frequency, may reasonably be attributed to their desire to minimise the guilt of confessors and exaggerate that of their penitents. Still, such cases did sometimes occur, and I have met with two or three in which the woman was denounced to the Spanish Inquisition.[4]

Classed with solicitation was a somewhat kindred abuse of the confessional known to the Inquisition as flagellation. This was prescribing the discipline as penance, and either administering it personally or causing its self-infliction in presence of the confessor, the penitent being stripped as far as necessary. As the lash could be ordered for any peccant portion of the body, this gave opportunity for the vilest indecency, and it was fully exploited by those of brutish instincts. In fact, it was not confined to the penitent, for confessors sometimes found gratification in

1 Paramo de Orig. Officii S. Inquis., p. 886.—Rod. a Cunha, Q. ix. xi.—Ant. de Sousa, Tract. i. cap. 6, 7, 17.—Alberghini Man. Qualificatorum, cap. xxxi. § i. n. 10, 11, 17.—Trimarchi, pp. 193-212.—Bibl. Nacional de Espana, Seccion de MSS. V. 377, cap. xx. §§ 5, 10.

2 Berardi de Sollicitatione, p. 5.

3 Cozza, Dubia Selecta, Dub. 9.

4 Archivo histórico nacional, Inquisicion de Valencia, Legajo 376.—Archivo de Simancas, Inquisicion, Libro 1006, fol. 25; Registro de Solicitantes, A. 7, fol. 2.

making the women discipline them, like Fray Francisco Calvo, who in 1730 denounced himself to the Inquisition of Madrid for having caused himself to be flagellated.[1] At first there was considerable doubt as to whether such cases came under the papal decrees, but it was finally decided to be a form of solicitation, and after this conclusion had been reached the Inquisition had no hesitation in prosecuting *flagelantes*.[2] Culprits were not treated with deserved severity, for the records show to what an extent the abuse was sometimes carried; cases are not infrequent, and continue until the suppression of the Holy Office.[3]

It remains for us to see what was the practical application of the papal decrees directed against the abuse of the sacred relation established between the confessor and his spiritual daughters. As France and Germany had refused to receive the bull of Gregory XV., the matter remained as before in the hands of the bishops, who for the most part were indifferent, and, as we have seen, no effective measures were taken, beyond the occasional comminatory proceedings of synods, which serve rather to prove the existence of the evil than to promise its suppression, though occasionally, it is true, a prelate like Fénelon might instruct mission priests, to whom women should confess to have been solicited, to refuse absolution unless the penitent would authorise denunciation to be made to him.[4] As he felt it necessary, moreover, to promise protection both to the woman and the mission priest, it indicates the risk to which were exposed all those who sought to obey the papal commands.

From such desultory and local attempts no remedy

1 Archivo de Simancas, Inquisicion, Libro 1006, fol. 25.

2 Ibid., Inquisicion de Logroño, Procesas de fe, Legajo 1.—De Sousa, Aphorismi Inquisitionis, Lib. I. cap. xxxiv. n. 40.—Alberghini, op. cit. cap. xxxi. § i. n. 19.

3 Archivo histórico nacional, Inquisicion de Valencia, Legajo 100.—Archivo de Simancas, Inquisicion, Libro 890.

4 Fénelon, Avis aux Confesseurs (Œuvres, Ed. 1838, II. 349).

could be expected of an evil so inveterate and widespread. In Italy and in Spain, however, the crime was subjected to the respective Inquisitions, which were armed with power and organisation sufficient for its suppression, if that were practicable under the conditions of human nature and the temptations and opportunities offered by the confessional to a celibate priesthood.

As regards Italy, the data are lacking to enable us to ascertain what use the Inquisition made of its faculties. The dread of scandal rendered secrecy the one essential matter. The culprit, if found guilty, was not sentenced and punished in public as an example, but in the chambers of the Holy Office, or in his convent if a member of a religious Order. No one was to know that the crime had been committed and expiated. Under such circumstances the inquirer can ask in vain for statistics or for instances to determine whether culpable leniency or wholesome severity was shown to offenders. We only know that nominally the prescribed regulations assume the crime to require stern repression. The suspicion of heresy implied in it was classed as vehement, and the culprit was obliged to abjure *de vehementi*, which assumed that he was to be burnt without ceremony in case of relapse. If he denied the accusation and the evidence was insufficient for conviction, he could be tortured, as was the practice of the Roman Inquisition in other crimes; or if he admitted the facts and denied evil purpose, he could similarly be tortured to discover his intention. If convicted, the bull of Gregory XV. prescribed a wide range of punishments, according to the degree of culpability, even to the culminating rigour of the stake. Although the latter extreme may be regarded as merely a deterrent threat, never intended to be executed, yet we are told that the punishment was five or seven years in the galleys, which was sufficient to inspire wholesome fear. In 1677, moreover,

the Roman Inquisition manifested a laudable desire to discover offenders by following Spanish example in an edict requiring all persons, under pain of excommunication *latæ sententiæ*, to denounce within a month all cases coming within their knowledge.[1]

It is not stated, however, that this edict was ever repeated, as in Spain, and in practice there was much to soften the severity of the law. Obstacles to trial were interposed by a decree of the Inquisition, 17 July, 1627, providing that arrests were not to be made on the denunciation of a single penitent, but only a report was to be made to it. Two denunciations were required for arrest and imprisonment, and three, or according to some authorities, four, for conviction, the reason alleged being the untrustworthiness of female evidence and the difficulty otherwise of getting learned and conscientious men to confess women. Similarly, the punishment was much milder than the threat. For a single solicitation, duly proved, it sufficed to deprive the offender of his faculty to confess; if he had repeatedly solicited two women, deprivation of priestly functions was added; and if there had been scandal, a regular priest was to be perpetually secluded in a convent and a secular one in a hospital. If the penitent were the wife or daughter of a magnate, or if there had been many women concerned and much public scandal, then came degradation and the galleys.[2] Considering the extreme difficulty of inducing women to denounce their confessors, it will be seen that the chances of escape were great and the danger of severe penalties small. It is true that in 1745 the Roman Inquisition decreed that soliciting confessors incurred perpetual disability for celebrating Mass,[3] but there was always the prospect of obtaining dispensations from an indulgent

1 Trimarchi, pp. 288, 301, 302.—Berardi de Sollicitatione, p. 6.
2 Trimarchi, pp. 289–92, 304, 306.
3 Berardi, op. cit. p. 126.

Mother Church, and all this legislation seems virtually to have become a dead letter, for, as we shall see hereafter, when Leopold I. of Tuscany endeavoured, in 1774, to reform the nunneries in his dominions, they were found to be the scene of the worst disorders between the nuns and their spiritual directors, and the reformatory efforts of Leopold met their chief opposition in the Roman Curia itself.[1]

There was also always the resource, when a soliciting priest found himself in danger of denunciation, of denouncing himself, for those who spontaneously confessed were treated with exceptional leniency. According to rule, if he did this before denunciation, and had been guilty with only one woman, a severe reprimand sufficed, while, if two witnesses accused him, he was to be deprived of confessing.[2] One or two cases, however, of which we chance to have the record, would seem to show that self-denunciation conferred virtual immunity. The minim, Hilario Caone, of Besançon, was domiciled in Seville. He probably had intimation that he was about to be denounced, for he fled to Rome in 1653, and confessed to the Inquisition that in the church of San Francisco de Paula of Seville he had solicited some forty women, mostly with success. For this he was merely sentenced to abjure *de vehementi*, to visit the seven privileged altars of St. Peter's, and to recite the chapters of the Virgin weekly for three years. That this was the ordinary treatment of such cases may be inferred from that of Vincenzo Barzi, in the same year, who had a similar sentence on denouncing himself.[3]

1 De Potter, Vie de Scipion de' Ricci, T. I. pp. 87 sqq. 258 sqq.

2 Trimarchi, p. 310.

3 MSS. of Trinity College, Dublin, Class II. vol. IV. pp. 63, 294.

It should be added that this leniency did not extend to cases in which there had been a prior denunciation. In 1695 Dr. Agustin Velda, rector of La Sallana, was accused of solicitation before the tribunal of Valencia. To avoid arrest he fled to Rome, and presented himself before the Inquisition there, which ordered him to

In Spain, access to the voluminous archives of the Inquisition gives us for the first time an opportunity of acquaintance with these secrets of the confessional which the Church has always guarded so carefully from the profane, thus rendering possible a fairly accurate understanding of its attitude towards soliciting confessors. The Inquisition had accepted in good faith the jurisdiction conferred on it, but it always had a leaning in favour of clerical delinquents, and the rules which it established for this class of cases show how much more benignantly it regarded this particular suspicion of heresy than other suspicions. It is true that no ecclesiastic could be arrested on any charge by a tribunal without referring the case to the Supreme Council and awaiting its orders, so that in this respect confessors had no advantage over their brethren, but, as, in Italy, two independent denunciations of solicitation were required, where one sufficed in ordinary heresy. Where denunciation was so difficult to secure, this was a most important advantage to the delinquents, and saved thousands of them from trial. A woman who chanced in a general confession to mention her sin with a previous confessor might be refused absolution until she denounced him. If she did so, the Inquisitors, after the introduction of postal facilities, sent letters of inquiry to all the other tribunals, to learn whether they had the culprit's name on their register of solicitors. If the replies were in the negative, the papers were filed away, and nothing more was done, unless at some future time another denunciation was made to some tribunal. Meanwhile the woman was left under the impression that her seduction by her confessor was too trivial a matter to require investigation, and the offender was left at liberty to continue his assaults on the virtue of his penitents.

return and stand trial at home, and he did so.—MSS. of Royal Library of Copenhagen, 218b, p. 339.

Perhaps if, after the lapse of years, a second accusation came, the first accuser was dead and could not make the indispensable ratification of her testimony, so that the culprit had another respite. The records are full of cases in which a second denunciation did not come until ten, fifteen, and sometimes even twenty, thirty, or forty years after the first; and there are many in which three denunciations are specified, showing that the first victim must have died before the second came forward. The prolonged impunity thus enjoyed by offenders whose offences must have been habitual shows how disastrous was the favour thus extended to them. The reason given for this double denunciation was the assumed unreliability of female testimony, but in ordinary heresy all witnesses were welcome, irrespective of sex, character, and almost of age; while, if there was enmity or infamy, the accused, from whom the knowledge of their names was withheld, had to grope his way to identify and disable them. But in these cases the Inquisition saved him from all this and protected him, before it would act on the denunciation, by a searching inquiry into the character of the witness and any possible enmity that might exist.[1] Regrets were expressed that female testimony was admitted at all; it was justifiable only because the nature of the crime admitted of no other, and writers like Páramo discredit it in advance with the customary monastic abuse of women.[2]

Another favour shown to the accused was immunity from torture. While in ordinary accusations of heresy a single witness sufficed to expose the defendant to the rack or strappado, in case of his denial, the confessor was exempt, no matter how many witnesses appeared against him. In the earlier time there was some question as to

1 Archivo histórico nacional, Inquisicion de Valencia, Legajo 365.

2 Páramo, op. cit. pp. 867 871.—Rod. a Cunha, op. cit. A. XXII. n. 3.

this, and some dialectics as to fact and intention, but the question was settled on the common-sense basis that it would be a greater infliction for the uncertain than for the certain, as the penalties for conviction were not equal to torture.[1] When, however, doctrinal errors led to solicitation there was no hesitation in the use of torture to detect the aberrations of Illuminism, as in the case of the priest Manuel Madrigal, voted to torture to discover intention, "por solicitante, Molinista y flagelante," by the tribunal of Madrid in 1725.[2]

There was also the broad avenue to escape in the strictness with which the formulas of the papal utterances were construed. Solicitation is a purely technical crime, based on inferential misbelief as to the sacrament, and it is wholly unconnected with morals. The Church cares nothing as to the relations between confessor and penitent so long as the confessional and the sacrament are not involved, and even there the confidences deemed necessary in confession, the obligation on the confessor to acquaint himself with all details, afford ample opportunity for pruriency, which the casuist can approve or condemn with equal facility. All this is one of the incidents inseparable from auricular confession, and the Church can only make the best of it with vague general regulations, construed and enforced by imperfect human nature. The decisive importance attached to locality meets one constantly in the trials of these cases. In that of Fernandez Pujalon, parish priest of Ciempozuelos, before the tribunal of Toledo, in 1744, he confesses to vile indecencies committed with his penitent Sor Cayetana de la Providencia in the convent of Santa Clara, and chanced

1 De Sousa, Aphorismi Inquisit. Lib. I. cap. xxxviii. n. 64, 65; Ejusd. Opusc. circa Constit. Pauli PP. V. Tract. ii. cap. 13, 21.—Biblioteca Nacional, Seccion de MSS. V. 337, cap. xx. § 9.—Archivo histórico nacional, Inquisicion de Valencia, Legajo 61.

2 Archivo de Simancas, Inquisicion, Legajo 876, fol. 208.

to mention that once in the parlour of the convent she said that she never indulged in this in the confessional, but that it was bad for Padre Colmenas and Sor Antonia Blanca, who had illicit relations in the confessional. The tribunal commissioned the superintendent of convents, Canon Miguel Barba, to examine Sor Cayetana as to when he should next visit Ciempozuelos, which he did in 1747, but she naturally did not care to implicate herself; Barba discreetly did not push his investigations, and the matter was dropped.[1] So, in the case of Fray Joseph Rives, tried in Valencia in 1741, the evidence of two of his penitents shows the beastliness of the practices employed to inflame the passions of the women, while arguments of his advocate are devoted to prove that the precautions which he took to evade the letter of the papal decrees proved his respect for the sacrament, and that technically he was not guilty. This was unavailing, but he escaped with deprivation of his faculty to confess and three years' exile from Valencia, Bocayente, and all royal residences.[2] It was to meet this customary line of defence that the tribunals, in their instructions as to taking testimony, always laid special stress on ascertaining the exact spot where the incriminating acts occurred; what would be guilt in the confessional would escape animadversion elsewhere.

Another favour shown to these delinquents was that, in place of being shut up *incomunicado* in the secret prison during trial, like ordinary heretics, they were at liberty and could devise means of defence. What these sometimes were is shown in the case of a priest who had been denounced, and who threatened to kill the confessor who had sent the denunciation unless he would write that the women had

[1] Archivo histórico nacional, Inquisicion de Toledo, Legajo 229, n. 32.

[2] Archivo histórico nacional, Inquisicion de Valencia, Legajo 365, n. 45, fol. 4. In the sentences to temporary exile, which was a favourite punishment for minor offences, Madrid and royal residences are always included.

withdrawn their charges. More crafty was Dr. Joseph Soriano, vicar of Vinaroz, in 1796, against whom we find pending in the tribunal of Valencia two prosecutions, one for solicitation and another for the ingenious device of suborning several women to denounce him and then to retract.[1]

When, in spite of all facilities for evasion, conviction was obtained, the punishment meted out to the criminal was singularly disproportionate to the moral turpitude of the offence and its damage to the Church and to society. In the first place, the dread of scandal shielded him from public reprobation and the shame of exposure, thus exempting him from what in Spain was one of the heaviest penalties visited on other crimes—the infamy inflicted on the lineage of one who had been penanced by the Inquisition. There was not only the secrecy in which all the operations of the Holy Office were jealously guarded, but the culprit was not exposed to view in an auto da fe like ordinary offenders—heretics, bigamists, blasphemers, petty sorcerers, and the like. From the earliest period, as soon as the form of procedure was reduced to rule, strict injunctions were issued that the sentence was to be read in the audience-chamber with closed doors, the only witnesses present being a specified number of members of the culprit's Order, if he were a regular, or priests of parish churches, if a secular. The same instructions prescribe as the punishment in all cases abjuration for light suspicion of heresy and perpetual deprivation of the faculty of confessing, to which might be added others suited to the gravity of the offence. Thus for frailes there might be a discipline inflicted in his convent, while the sentence was read in the presence of the assembled brethren, or, if the case were especially

1 Archivo histórico nacional, Inquisicion de Valencia, Legajo 365, n. 46; Legajo 100.

aggravated, a previous one in the audience-chamber also; there might further be seclusion in a convent, suspension or deprivation of orders, of the right of voting and being voted for, as well as the last place in choir and refectory, together with penance for heavy sin, such as the discipline and prayer. For secular priests there might be exile or seclusion, or suspension or deprivation of functions and benefice, together with fines and secret discipline and fasts and prayers.[1] As regards fines, they were a favourite penalty for all offences, as they accrued to the tribunal inflicting them. They could not be imposed on the regulars, who held nothing, but the secular priests were sometimes rich and were valuable culprits. Thus in the case, alluded to above, of Fernandez Pujalon, parish priest of Ciempozuelos, a feature of his sentence was a fine of half his property, but his guilt was greatly enhanced by some heretical propositions that he had uttered.

Inadequate as all this may seem in comparison with the penalties habitually imposed by the Inquisition on other classes of offenders, it was rarely inflicted to the full extent, and as time wore on there appears to be a distinct tendency to regard the crime with increasing leniency. The indulgence, indeed, with which it was viewed, in spite of the rhetorical horror expressed in the utterances of popes and inquisitors, is reflected in the adjuration of a Cunha not to drive the delinquents to despair nor to impose more penalty than is just, and he thinks that it would be much better for the Inquisition to hand offenders over for punishment to their own prelates.[2] It is impossible, in fact, not to recognise a fellow feeling and a certain amount of sympathy, as for a matter in which any priest might involve himself, but the temper in which the Inquisition exercised the jurisdiction con-

[1] Archivo de Simancas, Inquisicion, Legajo 1465, fol. 16.
[2] Rod. a Cunha, op. cit. Q. xxiv.

ferred on it can best be estimated from a few illustrative cases.

In 1594, in Mexico, the Dominican Fray Thomás Maldonado was tried on the evidence of five of his penitents. He made no defence, except alleging that his conduct with them had been jocular, and he presented witnesses as to his character, especially his prior, Fray Cristóval de Sepúlveda, all of whom testified to his being a good servant of God and a man of irreproachable life. While the trial was in progress, the prior asked for his release, as the convent wanted his services to take charge of some mills, to which the tribunal promptly assented. Finally he was sentenced to abjure for light suspicion, to be deprived of confessing women, and to exile for six years from the convent of Cuyvacan.[1] It is evident that his offence was regarded rather in the light of an indiscretion than of a crime. More severe, in 1674, was the sentence in Toledo of Fray Miguel Martin de Eugenio, whose powers of seduction had been exercised in a number of places. He was subjected to a "circular discipline" in his convent, he was deprived of confessing men and women, and was secluded for four years in a convent, where he was to have the last place in choir and refectory and to serve in the most humble positions; during the first year he had Friday fasting on bread and water, eating on the floor of the refectory, and he was deprived of voting and being voted for.[2] As regards the galleys, the only case that I have happened to meet in which they were imposed is that of the licentiate Lorenzo de Eldora, who was suspended from orders, in 1691, by the tribunal of Toledo, and condemned to the galleys for five years, with instructions at the expiration of the term to present himself to the inquisitors for further orders; but he was evidently deemed an incorrigible relapsed, as he had already been punished

1 Proceso de Fray Thomas Maldonado (MS. penes me).

2 Archivo histórico nacional, Inquisicion de Toledo, Legajo 1.

for the same offence by the Inquisition of Granada.[1] It must have treated him with undeserved leniency, and not have deprived him of the faculty of confession.

As a rule, however, the sentences were moderate, and grew more so as time wore on. In 1647 the Valladolid tribunal considered a reprimand sufficient for Padre Antonio Escobar, S.J., who was accused by a nun of the Monasterio de la Penitencia of Salamanca—a reformatory for loose women—although he had previously been denounced in Logroño, and the testimony obtained from there revealed almost incredible brutality on his part and on that of Padre Vilarde, S.J.[2] In 1649 the tribunal of Toledo merely deprived the licentiate Bernardo de Amor of the faculty of confessing, with four years of exile from Madrid, Toledo, and Andujar, although his offence was that of soliciting youths in the confessional.[3]

Progressive leniency is seen in the Toledo case, in 1763, of Felipe Garcia Pacheco, a priest with various dignities, who was condemned only to seclusion in a convent for six months, and was left in the enjoyment of his dignities and the faculty of confession, although the injunction cautiously to warn his accomplices that they must repeat the confessions made to him shows that his guilt was complete.[4] The nineteenth century saw no increase in severity. In 1816 the case of Dr. Pedro Luceta must have been especially foul, for when his sentence was read before the twelve ecclesiastics in the audience-chamber, portions of the details of his offences were ordered to be omitted; but he was only deprived of confessing, with some spiritual exercises, one year's seclusion, and five years' exile from certain places. He was ungrateful for this leniency, and broke his seclusion, which was a more serious offence than

1 Archivo histórico nacional, Inquisicion de Toledo, Legajo I.
2 Archivo de Simancas, Inquisicion, Legajo 552, fol. 35.
3 Archivo histórico nacional, loc. cit.
4 Ibid. Legajo 2.

solicitation, for he was then sent to the presideo of Ceuta (implying hard labour as in the *bagne*) for the remainder of the six years, but he was allowed to return to Algeciras on the plea of ill-health.[1] In this same year the tribunal of Santiago, in sentencing Gerónimo González, priest of Requeijo, speaks of his *enormes delitas*, but only condemned him to spiritual exercises, a suspension of three months from celebrating mass, of one year from confessing men and perpetually women, and eight years' exile from certain places; then, within three months, on the plea of ill-health, it allowed him to reside with his parents in Requeijo, warning him to avoid the taverns and highways, which had led to his misdeeds, and ordering the priest there to keep a watch over him. The case in 1818 of Fray Antonio de la Porteria y Vela, also in the Santiago tribunal, must have been especially atrocious, for he was perpetually deprived of both confessing and preaching, but beyond this he was subjected only to temporary exile from certain places and to two months' seclusion devoted to spiritual exercises.[2]

As in Italy, so in Spain, a favourite device to disarm severity, especially when accusation was expected, was self-denunciation, for the *espontaneado*, as he was called, earned a claim to merciful consideration, provided always that he expressed due contrition and made full confession of his misdeeds. A very large portion of the cases tried by the Inquisition are of this character; in one list of a hundred and eight, thirty-two, or thirty per cent., are *espontaneados*.[3] The customary impulse to this is seen in the case of Fray Nicholas de Madrid, who denounced himself to the tribunal of Madrid, 8 June, 1757. He was a trifle tardy, for a denunciation against him had been received two days before.[4]

1 Archivo de Simancas, Inquisicion, Lib. 890; Lib 435, n. 22.
2 Ibid. Lib. 890.
3 Ibid. Lib. 1006.
4 Ibid. fol. 105.

As a matter of course, the *espontaneado* was apt to soften the details of his guilt and extenuate his offences as far as possible. In ordinary Inquisitorial procedure this only increased the culpability, for a confession which was the result of contrition was required to be complete, and the *diminuto* who partly withheld or palliated his faults was but a hardened sinner seeking to escape punishment. Confessors, however, were not ordinary criminals. It is true that, in the earlier period, during the first flush of exercising its new jurisdiction, the Inquisition pursued its ordinary course of testing the confession by examining witnesses, and if it found that the culprit was a *diminuto*, his self-denunciation did not save him from the customary penalties, but this severity was gradually relaxed. About 1640, an experienced inquisitor lays down the rule that, if a confessor accuses himself before there is any evidence against him, and if the women concerned are numerous, they are examined, and if they admit it, he is deprived of confessing; if they deny, as sometimes happens, the case is suspended with a warning to him; if there is but one woman, and the case is not grave, he is reprimanded without other penalty. If he accuses himself before there is more than one denunciation against him, the penalties are lighter than if he had not done so.[1]

It could not have been long after this that the Inquisition manifested its indifference by simply accepting the self-denunciation without examining the women. In 1669 the licentiate Fernando de Valdés denounced himself to the tribunal of Santiago for having solicited in confession, with indecent acts, seven single and three married women, to whom, in a subsequent confession, he added a pregnant

[1] Biblioteca Nacional de Espana, Seccion de MSS. V. 377, cap. xx. § 8.

Suspension of a case was virtually acquittal, in the *estilo* of the Inquisition, which rarely acquitted. It, however, remained on record, and could be reopened if subsequent testimony came.

Reprimand and warning were an ordinary feature of all sentences rendered in the *sala* or audience-chamber of a tribunal.

woman and several others unmarried. The records were examined, and no previous accusation was found against him. Without summoning the witnesses, the tribunal reported the case to the Supreme Council, which ordered it simply to be suspended and the culprit to be reprimanded.[1] The fact that out of so many women solicited not one accused him indicates how few were the denunciations in comparison with the offences. The indifference of the tribunals grew with time. In 1724, Fray Manuel Pablo Herraiz denounced himself to the tribunal of Toledo for a somewhat complicated illicit connection with two penitents. Inquiries were sent to the other tribunals, with negative results. Without further action, the case was laid aside, and in 1732 the fiscal or prosecuting officer reported that there was nothing more to be done with it.[2] These cases indicate that the only danger incurred by the *espontaneado* was that some previous denunciation might be lying in the records awaiting a second, provided the tribunal took the trouble to make inquiry.

In time even this seems to have been abandoned, and so completely did it come to be understood that the *espontaneado* was not to be prosecuted that, in 1783, the Supreme Council interrogated the tribunals, asking whether they suspended such cases or dismissed the self-accuser with abjuration and absolution.[3] So it continued until the extinction of the Inquisition. In 1815, Padre Fray Francisco Gómez Somoerotro, sacristan mayor of the Mercenarian convent of Madrid, denounced himself to that tribunal for solicitation and doctrines suspect of Molinism, and his case was suspended. In 1819 he was denounced for solicitation to the tribunal of Valladolid, and again the case was suspended.[4]

1 Archivo de Simancas, Inquisicion de Santiago, Relaciones de Causas, Legajo 1.
2 Archivo histórico nacional, Inquisicion de Toledo, Legajo 229, n. 40.
3 Ibid. Inquisicion de Valencia, Legajo 16, n. 6, fol. 4.
4 Archivo de Simancas, Inquisicion, Lib. 1002.

No class of ecclesiastics, privileged to hear confessions, was exempt from this contaminating sin, but the great mass of culprits belonged to the regular Orders. Llorente explains that the secular priests, having comparative wealth and freedom, were able to gratify their passions in ways less dangerous, and that it was precisely the Orders that were most rigid which produced the greatest number of culprits.[1] To verify this last assertion would require statistics of the different Orders now unattainable, and an accurate knowledge of the degree to which they devoted themselves to the duties of the confessional. A factor in their activity was the special faculties granted to the mendicant Orders to absolve for cases reserved to the Holy See, except those included in the Cœna Domini bull and six others specified in a decree of Clement VIII. in 1601—these mendicant Orders being Dominicans, Franciscans, Augustinians, Carmelites, Minims, Jesuits, and Servites.[2] This, of course, rendered their ministrations more attractive, and secured them a larger number of penitents, which helps to explain their undue proportion of offenders. In analysing an aggregate of 3775 cases I find that the great body of the secular clergy, including parish priests, vicars, canons, &c., contributed only 981, while the regular Orders furnished 2794.[3]

Spain was the only land in which solicitation was systematically prosecuted where the conditions were such as to remove some of the impediments to denunciation, and where the records are accessible. If any methods could reduce the abuse to a minimum, it was there, and, from what we learn as to its prevalence in Spain, we may reasonably infer that in other countries, where no such

[1] Llorente, Historia Critica, cap. XXVIII. art. 1, n. 14.

[2] Trimarchi,, op. cit. p. 279.

[3] Archivo histórico nacional, Inquisicion de Toledo, Legajo 233, MS. 108; Inquisicion de Valencia, Legajo 66.—Archivo de Simancas, Inquisicion, Lib. 1002,

machinery existed for its discovery and repression, it was even more prevalent.

It is thus only in the records of the Inquisition that an insight can be gained into this phase of ecclesiastical development, which has always been shrouded from public view with such anxious care. In exploring these records one seems to live in a world of brutal lust, where disregard of the moral law is accepted as a matter of course by all parties, where the aim of the confessor is to inflame the passions by act and speech, or to overcome resistance by coarse violence; where women regard it as natural that the awful authority of the priesthood is to be exercised to their undoing, and their consciences are to be soothed with pardon granted in the name of God by the hypocrite who has destroyed their honour; and where the inquisitor busies himself, not with the moral and spiritual questions involved, but with ascertaining whether certain technical rules have been violated. I have spared the reader all details, for the most debased pornographic literature can have nothing more foul to offer, and the divorce of morals from religion is complete.

Morals, in fact, have nothing to do with solicitation as viewed by the Church. The priest can indulge his passions with his penitents in safety, so long as he commits no technical offence and so long as the danger of scandal is not incurred. The Church sees nothing specially sinful in solicitation itself, notwithstanding the vehement rhetoric of papal utterances. In the forum of conscience it is classed with simple fornication—a mortal sin indeed, for in lust there is no *parvitas materiæ*, but one not calling for any special reprobation. Heinous offences are distinguished by being "reserved"—that is, absolution for them can be obtained only from the Holy See or from the sinner's prelate. The Holy See has never reserved to itself the sin of seducing a penitent in the confessional.

Bishops have power in their dioceses to reserve to themselves what sins they choose, and occasionally some puritan prelate has done so with this. In 1635, while the bull of Gregory XV. was still the subject of discussion, Trimarchi tells us that it was thus reserved in the provinces of Geneva and Benevento, and in some dioceses of Naples, but nowhere else.[1] The consequence of this is that absolution can be given by any confessor, and the culprit is told that he need only confess to simple fornication, without mentioning that it has been with his spiritual daughter. He therefore obtains pardon from God on the easiest possible terms, his conscience is clear, and he is ready to repeat the offence. This forms a strange contrast with the excommunication directed against the victim who fails to denounce her seducer, for this is reserved to the Holy See, and we are expressly told that the censures of the bulls are directed against her and not against him.[2] May we not attribute all this to a callousness engendered by the prevalence of concubinage among a celibate priesthood, where the woman must in almost all cases necessarily be the penitent of the priest and thus be his spiritual daughter?

[1] Trimarchi, op. cit. p. 272.

[2] Trimarchi, p. 273.—Ant. de Sousa, op. cit. Tract. II. cap. xx.—Joh. Sanchez, Disputationes Selectæ, Disp. xi. n. 3, 4 (Lugduni, 1636).—Potestatis Examen. Ecclesiasticum, T. II. n. 601 (Venetiis, 1728).

For the modern aspect of this subject see below, in chapter XXXII.

CHAPTER XXXI

THE CHURCH AND THE REVOLUTION

If the Council of Trent had thus failed utterly in its efforts to create that which had never existed—purity of morals under the rule of celibacy—it had at length succeeded in its more important task of putting an end to the aspirations of the clergy for marriage. With the anathema for heresy confronting them, few could be found so bold as openly to dispute the propriety of a law which had been incorporated into the articles of faith, and the ingenious sophistries and far-fetched logic of Bellarmine were reverently received and accepted as incontrovertible. Urbain Grandier might endeavour to quiet the conscience of his morganatic spouse by writing a treatise to prove the lawfulness of priestly wedlock, but he took care to keep the manuscript carefully locked in his desk.[1] A man of

1 When Grandier was arrested and tried for sorcery, his papers were seized, and among them was found an essay against sacerdotal celibacy. Under torture, he confessed that he had written it for the purpose of satisfying the conscience of a woman with whom he had maintained marital relations for seven years (Hist. des Diables de Loudun, pp. 85, 191). The manuscript was burnt, with its unlucky author, but a copy was preserved, which has been printed (Petite Bibliothèque des Curieux, Paris, 1866). In it Grandier shows himself singularly bold for a man of his time and station. The law of nature, or moral law, he holds to be the direct exposition of the Divine will. By it revealed law must necessarily be interpreted, and to its standard ecclesiastical law must be made to conform. He evidently was made to be burned as a heretic, if he had escaped as a sorcerer. The promise of chastity exacted at ordination he regards as extorted, and therefore as not binding on those unable to keep it; while he does not hesitate to assume that the rule itself was adopted and enforced on purely temporal grounds—"de crainte qu'en remuant une pierre on n'esbranlat la puissance papale; car hors cette considération d'Estat, l'Eglise romaine pense assez que le célibat n'est pas d'institution divine ni nécessaire au salut, puisqu'elle en dispense les particuliers, ce qu'elle ne pourroit faire si le célibat avoit esté ordonné d'en haut" (pp. 34–5).

bold and independent spirit, fortified by unfathomable learning, like Louis Ellies Du Pin, might secretly favour marriage, and perhaps might contract matrimony.[1] Du Pin's great antagonist, Bossuet, might incur a similar imputation, and be ready to partially yield the point if thereby he might secure the reconciliation of the hostile Churches.[2] All this, however, could have no influence on the doctrines and practice of Catholicism at large, and the principle remained unaltered and unalterable.

Yet it was impossible that the critical spirit of inquiry which marked the eighteenth century, its boldness of unbelief, and its utter want of faith in God and man, could leave unassailed this monument of primæval asceticism, while it was so busy in undermining everything to which the reverence of its predecessors had clung. Accordingly, the latter half of the century witnessed an active controversy on the subject. In 1758, a canon of Estampes, named Desforges, who had been forced to take orders by his family, published a work in two volumes in which he attempted to prove that marriage was necessary for all

1 Notwithstanding his Sorbonne degree, Du Pin is said to have been secretly married, and to have left a widow, who even ventured to claim the inheritance of his estate. He was engaged in a correspondence with William Wake, Archbishop of Canterbury, with a view to arrange a basis of reconciliation of the Anglican Church with Rome, and, according to Lafitau, Bishop of Sisteron, in that correspondence he assented to the propriety of sacerdotal marriage.

2 I cannot pretend to decide the controversy as to the alleged marriage between Bossuet and Mlle. Desvieux de Mauléon, nor to determine whether it is true that she and her daughters claimed his fortune after his death. Much has been written on both sides, and I have not the materials at hand to justify a positive opinion, though the extracts from La Baumelle's "Mémoires de Madame de Maintenon" given by the Abbé Chavard (Le Célibat des Prêtres, pp. 474 sqq.) would seem to show that there were good grounds for asserting the marriage. I believe, however, that there is no doubt of Bossuet engaging with Leibnitz and Molanus in a negotiation as to the terms on which the Lutherans could re-enter the Roman communion, and that he promised, in the name of the Pope, that Lutheran ministers admitted to the priesthood or episcopate should retain their wives. It is asserted that the proposed arrangement was nearly agreed to on both sides, when the pretensions of the House of Hanover to the English crown caused Leibnitz to withdraw from the undertaking.

ranks of ecclesiastics. The book attracted attention, and by order of the Parlement it was burnt, 30 September, 1758, by the hangman, and the unlucky author was thrown into the Bastile. These proceedings were well calculated to give publicity to the work: it was reprinted at Douay in 1772; a German translation was published in 1782 at Göttingen and Munster, and an Italian one, with some omissions, had already appeared in 1770, without an acknowledged place of publication. The Abbé Villiers undertook to answer Desforges in a weak little volume, the "Apologie du Célibat Chrétien," published in 1762, which consists principally of long extracts from the Fathers in praise of virginity. Even Italy felt the movement, and an anonymous work, entitled "Pregiudizi del Celibato," appeared in Naples in 1765, and was reprinted in Venice in 1766. Some more competent champion was necessary to answer these repeated attacks, and the learned Abate Zaccaria brought his fertile pen and his inexhaustible erudition to the rescue in his "Storia Polemica del Celibato Sacro," which saw the light in 1774, and which not long afterwards was translated into German. In 1781 appeared a new aspirant for matrimonial liberty in the Abbé Gaudin, who issued at Geneva (Lyons) his work entitled "Les inconveniens du célibat des prêtres," a treatise of considerable learning and no little bitterness against the whole structure of sacerdotalism and Roman supremacy. This was followed, in 1782, by Andreas Forster, in his "De Cœlibatu Clericorum Dissertatio," published at Dillingen, and dedicated to Pius VI., for the purpose of replying to the attacks of the innovating Catholics.

The latter, indeed, had some hope for the approaching realisation of their demands. The reforms which illustrated the minority of Ferdinand IV. of Naples excited the priests of Southern Italy to petition him for the right of

marriage, and Serrao, the Jansenist Bishop of Potenza, does not hesitate to say that the request would have been granted if the unfriendly relations between the courts of Rome and Naples had continued much longer.[1] The Emperor Joseph II., amid his many fruitless schemes for philosophical reform, inclined seriously to the notion of permitting marriage to the priesthood of his dominions. In an edict of 1783 he asserted incidentally that the matter was subject to his control,[2] and the advocates for clerical marriage confidently expected that in a very short period they would see the ancient restrictions swept away by the imperial power. A mass of controversial essays and dissertations made their appearance throughout Germany, and the well-known Protestant theologian Henke took the opportunity of bringing out, in 1783, a new edition of the learned work of Calixtus, "De Conjugio Clericorum," as the most efficient aid to the good cause. It is a striking illustration of the temper of the times to observe that this work, so bitterly opposed to the orthodox doctrines and practice, is dedicated by Henke to Archdeacon Anthony Ganoczy, canon of the cathedral church of Gross-Wardein and apostolic prothonotary. The hope of success brought out other writers, and the movement made sufficient progress to cause some hesitation in Rome as to the propriety of yielding to the pressure.[3]

[1] Chavard, Le Célibat des Prêtres, p. 314–5.—Davanzati, Bishop of Canossa, was also in favour of abrogating the rule of celibacy.

[2] This view of the competence of the temporal power to regulate the question seems to have been widely received at this period. An anonymous work published in 1769 under the title of "Recherches sur l'Etat Monastique et Ecclésiastique," written by a good Catholic, asserts (p. 204), "Si le cas de donner des citoyens à la patrie devenoit urgent, le législateur, en autorisant le mariage des prêtres, n'entreprendroit rien sur le sacrement de l'Ordre."

[3] Zaccaria, in the introduction to his "Nuova Giustificazione" (p. ix.), denies that the papal court entertained any idea of making the concession; but, in considering the question as to the power or duty of the Pope to alter the law of celibacy (Diss. IV. cap. 6), his remarks show clearly that the subject was discussed in a tone to afford the partisans of marriage reasonable grounds for hope.

Zaccaria again entered the lists, and produced, in 1785, his "Nuova Giustificazione del Celibato Sacro," in answer to the Abbé Gaudin and to an anonymous German writer whose work had produced considerable sensation. To this he was principally moved by a report that he had himself been converted by the facts and arguments advanced by the German, an imputation which he indignantly refuted in three hundred quarto pages.

The half-formed resolutions of Joseph II. led to no result, and the subject slumbered for a few years until the outbreak of the French Revolution. At an early period in that great movement, the adversaries of sacerdotal asceticism bestirred themselves in bringing to public attention the evils and cruelty of the system. Already, in 1789, a mass of pamphlets appeared urging the abrogation of celibacy. In 1790 the work of the Abbé Gaudin was reprinted, and was promptly answered by the prolific Maultrot. Even in Germany the same spirit again awoke, and a Hungarian priest named Katz published at Vienna, in 1791, a "Tractatus de conjugio et cœlibatu clericorum," in which he argued strongly for a change. In Poland these doctrines made considerable progress, for in 1801 we find a little tract issued at Warsaw vehemently arguing against those who imperil their souls by violating their vows and the laws of the Church.[1] In England a Catholic priest distinguished for talents and learning, Dr. Geddes, published in 1800 a work in which he denied the apostolic origin of celibacy, and urged that, at most, delinquents should only be punished by degradation from the priesthood, without disgrace. Indeed, he argued that the rule caused more proselytes to Protestantism than any other cause.[2]

[1] Vetus et Constans in Ecclesia Catholica de Sacerdotum Cœlibatu Doctrina, Varsaviæ, 1801.

[2] "A Modest Apology for the Catholics of Great Britain," published anonymously in 1800—a work singularly moderate and candid in its tone. Dr. Geddes had been

During this period it can hardly be supposed that the defiant immorality which characterised the eighteenth century had been favourable to the purity of a celibate priesthood. That the Church, indeed, had made but scanty improvement in the character of its ministers is visible throughout the literature of the age, and I need only allude to a few instances where efforts at reform revealed the prevailing corruption.

In France the attacks upon the vow of celibacy, to which allusion has already been made, seem to have given rise to a spasmodic attempt to regulate the Church. In 1760 an *arrêt* of the Parlement of Paris prohibited the organisation of religious congregations without express royal permission, verified by that body. The assembly of the clergy in Paris in 1766 produced no notable improvement, nor was greater success obtained when the temporal power intervened in the edicts of 1766 and 1767. Further effort apparently was requisite, and in the edict of March 1768, Louis XV. undertook to diminish in some degree the causes of the more flagrant disorders among the regular clergy. Men were not to be allowed to take the vows under the age of twenty-two, nor women under nineteen; and as the smaller religious houses were especially notorious for laxness of discipline, all were suppressed which could not number at least fifteen professed monks or nuns, except those attached to larger congregations. The ecclesiastical authorities, moreover, were emphatically commanded to make a thorough visitation, and to compel the observance of the rules of discipline of the several Orders.[1] The enforcement of this edict created no little excitement, and several of the smaller Orders narrowly escaped destruction in their endeavours to evade its

suspended from his functions in consequence of a translation of the Bible which he had published. See Allibone's Dictionary, I. 657.

[1] Dupin, Manuel du Droit Pub. Ecclés. Française, 4th Ed. Paris, 1845, p. 274.—Edit de Mars 1768, concernant les Ordres Religieux (Isambert, XXIII. 476).

provisions. That these efforts did not succeed in accomplishing their object we may well believe, even without the testimony of an eye-witness.[1] As for the secular clergy, when Louis XV. amused himself by ordering the arrest of all ecclesiastics caught frequenting brothels, the number of victims in a short time amounted to 296, of whom no fewer than 100 were priests actively engaged in the service of the altar.[2]

When the Grand-Duke Leopold of Tuscany undertook to reform the monasteries of his dominions and to put an end, if possible, to the abuse of the confessional, it led to a long diplomatic correspondence with the papal curia as to the jurisdiction over such cases. A public document of the year 1763 had already stated that the special crime in question had become less frequent, and attributed this improvement to the exceeding laxity of morals everywhere prevalent, for few confessors would be so foolish as to attempt seduction in the confessional when there was so little risk in doing the same thing elsewhere.[3] Specious as this reasoning might seem, the facts on which it was based were hardly borne out by the investigations of Leopold shortly after into the morals of the monastic establishments. Nothing more scandalous is to be found in the visitations of the religious houses of England under Morton and Cromwell. The spiritual directors of the nunneries had converted them virtually into harems, and such of the sisters as were proof against seduction armed with the powers of confession and absolution, suffered every species of persecution. It was rare for them to venture on complaint, but when they did so they received no attention from their ecclesiastical superiors, and only the protection of the grand-ducal authority at length

1 See Lasteyrie's Hist. of Auricular Confession, translated by Cocks, London, 1848, Book II. chap. iv., vi.

2 Bouvet, De la Confession et du Célibat des Prêtres, Paris, 1845, p. 504.

3 Archives of Florence—Segreterio di Stato nella Reggenza, Filza 194, No. 6.

emboldened them to reveal the truth. The prioress of S. Caterina di Pistoia declared that, with three or four exceptions, all the monks and confessors with whom she had met in her long career were alike; that they treated the nuns as wives, and taught them that God had made man for woman and woman for man; and that the visitations of the bishops amounted to naught, even though they were aware of what occurred, for the mouths of the victims were sealed by the dread of excommunication threatened by their spiritual directors.[1] When it is considered that the convents thus converted into dens of prostitution were the favourite schools to which the girls of the higher classes were sent for training and education, it can readily be imagined what were the moral influences thence radiating throughout society at large, and we can appreciate the argument above referred to, as to the ease with which the clergy could procure sexual indulgence without recourse to the confessional. Leopold's chief assistant in this struggle was Scipione de' Ricci, Bishop of Pistoia and Prato, whose experiences in the investigation caused him to induce the Council of Pistoia, in 1786, to declare the duties of the confessional wholly incompatible with the monastic state, and, in view of the improbability of any permanent reform, to propose the abolition of the monastic Orders by restricting vows to the duration of a twelvemonth[2]—propositions which were not approved by the congregation of Tuscan prelates held at Florence in 1787, and which were scornfully condemned by Rome.[3] Leopold, however, sought to palliate the evil by raising to the age of twenty-four the minimum limit for taking the vows, which the Council of Trent had fixed at sixteen, but

1 De Potter, Mémoires de Scipion de' Ricci, I. 284 sqq.

2 Atti e Decreti del Concilio di Pistoja dell' anno 1786, Pistoja, 4to, pp. 237, 239.

3 Acta Congr. Archiep. et Episc. Hetruriæ Sess. XVIII. (Bambergæ, 1790, T. I. p. 453).—Bull. Auctorem fidei ann. 1794 §§ 80–84.

the benefit of this salutary measure was neutralised by the ease with which parents desiring to get rid of their children could place them in the institutions of the neighbouring states, such as Lucca and Modena.[1]

Rome itself was no better than its dependent provinces, despite the high personal character of some of the pontiffs. When the too early death of Clement XIV., in 1774, cut short the hopes which had been excited by his enlightened rule, St. Alphonso Liguori addressed to the conclave assembled for the election of his successor a letter urging them to make such a choice as would afford reasonable prospect of accomplishing the much-needed reform. The saint did not hesitate to characterise the discipline of the secular clergy as most grievously lax, and to proclaim that a general reform of the ecclesiastical body was the only way to remove the fearful corruption of the morals of the laity.[2] When we hear, about this time, of two Carmelite convents at Rome, one male and the other female, which had to be pulled down because underground passages had been established between them, by means of which the monks and nuns lived in indiscriminate licentiousness, and when we read the scandalous stories which were current in Roman society about prelates high in the Church, we can readily appreciate the denunciations of St. Alphonso.[3] A curious glimpse at the interior of conventual life is furnished by a manual for Inquisitors, written about this period by an official of the Holy Office of Rome. In a chapter on nuns he describes the scandals which often cause them to fall within the jurisdiction of the Inquisition, and prescribes the course to be pursued with regard to the several offences. Among those who were forced to take the veil, despair frequently led to the

1 Chiesi (Rivista Cristiana, Dic. 1876 p. 470).—Concil. Trident. Sess. XXV. De Reg. et Mon. cap. XV.

2 Panzini, Confessione di un Prigioniero, p. 333.

3 Vie de Scipion de' Ricci I. 289: II. 373 sqq.

denial of God, of heaven, and of hell; feminine enmity caused accusations of sorcery and witchcraft, which threw not only the nunneries, but whole cities, into confusion; vain-glory of sanctity suggested pretended revelations and visions; and these latter were also not infrequently caused by licentiousness, for in these utterances were sometimes taught doctrines utterly subversive of morality, of which godless confessors took advantage to teach their spiritual daughters that there was no sin in sexual intercourse. As in Spain, it was the practice of the Roman Inquisition to treat the offenders mildly, partly in consideration of the temptations to which they were exposed, and partly to avoid scandal.[1] The contaminating influence on society at large, emanating from a Church so incurably corrupted, was vastly heightened by the overgrown numbers of the clerical body. In 1775, for example, a census of the *terra-firma* provinces of Venice showed in that narrow territory no less than 45,773 priests, or one to every fifty inhabitants, while in the kingdom of Naples, exclusive of Sicily, there were, in 1769, one to every seventy-six.[2] Such overcrowding as this was not only in itself an efficient cause of disorder, but intensified incalculably the power of infection.

The virtues of the clergy, therefore, could offer but a feeble barrier to the spirit of innovation when the passions of the French Revolution were brought to bear upon the immunities and distinctive laws of the Church. The attack commenced on that which had been the strength, but which was now the weakness, of the ecclesiastical establishment. As early as 10 August, 1789, preliminary steps were taken in the National Assembly to appropriate the property of the Church to meet the deficit which had been

1 Prattica del Modo da procedersi nelle cause del S. Offitio, cap. xxv. (MS. Bibl. Reg. Monacens. Cod. Ital. 598.)

2 Esaminatore, Firenze, April 15, 1867, p. 100. In Spain, the census of 1768 gave the number of ecclesiastics, male and female, regular and secular, as 183,965.

the efficient cause of calling together the high council of the nation. This property was estimated as covering one-fifth of the surface of France, yielding with the tithes an annual revenue of three hundred millions of francs. So vast an amount of wealth, perverted for the most part from its legitimate purposes, offered an irresistible temptation to desperate financiers, and yet it was a prelate who made the first direct attack upon it. On 10 October, 1789, Talleyrand, then Bishop of Autun, introduced a motion to the effect that it should be devoted to the national wants, subject to the proper and necessary expenses for public worship; and on November 2 the measure was adopted by a vote of 568 to 346. This settled the principle, though the details of a transaction of such magnitude were only perfected by successive acts during the two following years. One of the earliest results was the secularisation of those ecclesiastics whose labours did not entitle them to support, a preliminary necessary to the intended appropriation of their princely revenues. This was accomplished by an act of 13 February, 1790, by which the religious Orders were suppressed, monastic vows were declared void, and a moderate annuity accorded to the unfortunates thus turned adrift upon the world.

The great body of the parochial clergy, patriotic in their aspirations, and suffering from the abuses of power, had hailed the advent of the Revolution with joy; and their assistance had been invaluable in rendering the Tiers-Etat supreme in the National Assembly. These measures, however, assailing their dearest interests and privileges, aroused them to a sense of the true tendency of the movement to which they had contributed so powerfully. A breach was inevitable between them and the partisans of progress. Every forward step embittered the quarrel. It was impossible for the one party to stay its course, or for the other to assent to acts which daily

became more menacing and revolutionary. Forced, therefore, into the position of reactionaries, the clergy ere long became objects of suspicion and soon after of persecution. The progressives devised a test-oath, obligatory on all ecclesiastics, which should divide those who were loyal to the Revolution from the contumacious, and lists were kept of both classes.[1] Harmless as the oath was in appearance, when it was tendered, in December 1790, five-sixths of the clergy throughout the kingdom refused it. Those who yielded to the pressure were termed *assermentés*, the recusants *insermentés* or *réfractaires*, and the latter, of course, at once became the determined opponents of the new *régime*, the more dangerous because they were the only influential partisans of reaction belonging to the people. To their efforts were attributed the insurrections which in La Vendée and elsewhere threatened the most fearful dangers. They were accordingly exposed to severe legislation. A decree of 29 November, 1791, deprived them of their stipends and suspended their functions; another of 27 May, 1792, authorised the local authorities to exile them on the simple denunciation of twenty citizens. Under the Terror their persons were exposed to flagrant cruelties, and a *prêtre réfractaire* was generally regarded, *ipso facto*, as an enemy to the Republic.

Under these circumstances, sacerdotal marriage came to be looked upon as a powerful lever to disarm or overthrow the hostility of the Church, and also as a test of loyalty or disloyalty. Yet the steps by which this conclusion was reached were very gradual. In the early stages of the Revolution, while it was still fondly deemed

[1] "D'être fidèle à la nation, à la loi, au roi, et de veiller exactement sur le troupeau confié à léurs soins." It was not only the objections of the King and of the Pope that rendered this oath unpalatable, but also the fact that it gave adhesion to the law for the secularisation of ecclesiastical property and of the monastic Orders. It was ordered in the *Constitution civile du Clergé*, Tit. II. Art. 21, 38 adopted July 12, and promulgated August 24, 1790.

that the existing institutions of France could be purified and preserved, the National Assembly was assailed with petitions asking that the privilege of marriage should be extended to the clergy.[1] These met with no response, even after the suppression of the monastic Orders. As late as September 1790, when the Abbé Professor Cournand, of the Collège de France, made a motion in favour of sacerdotal marriage in the assembly of the district of St. Etienne du Mont in Paris, the question, after considerable debate, was laid aside as beyond the competence of that body. It was not until 3 September, 1791, that Mirabeau introduced into the Assembly a decree providing that no profession or vocation should debar a citizen from marriage or be considered as incompatible with marriage, and forbidding the public officials and notaries from refusing to ratify any marriage contract on such pretext. Though no allusion was made in this to ecclesiastics, its object was evident, and was so admitted in the eloquent speech with which he urged its adoption—a speech which contained a very telling *résumé* of the arguments in favour of priestly marriage, but which, in its glowing anticipations of the benefits to be expected from the measure, affords a somewhat lamentable contrast to the meagreness of the realisation.[2] The principle, when once established, was considered of sufficient importance to deserve recognition in the Constitution of September 1791, a section in the preamble of which declares that the law does not recognise religious vows or any engagements contrary to the rights of nature or to the

[1] I have before me one of the pamphlets issued about this time (Le Mariage des Prêtres, Paris, Laclaye, 1790, 8vo, pp. 102), addressed to the Assembly. It is a tolerably calm and well-reasoned argument, basing its demand upon the usages of the primitive Church, the precepts of Scripture, the rights of nature, and public utility. The author asserts himself to be a priest well advanced in life, and he assumes that the corruption of society disseminated by the licentiousness of ecclesiastics is generally recognised and understood.

[2] This speech is printed in full from a MS. in the public library of Geneva, by the Abbé Chavard (Le Célibat des Prêtres, pp. 483–500).

constitution[1]; and this was followed, as Mirabeau had proposed, by a decree of 20 September, 1791, which, in enumerating the obstacles to marriage, does not allude to monastic vows or holy orders.

Professor Cournand was probably the first man of position and character to take advantage of the privilege thus permitted, and his example was followed by many ecclesiastics who had won an honourable place in the Church, in literature, and in science. Among them may be mentioned the Abbé Gaudin of the Oratoire, the author of a work already alluded to on the evils of celibacy, who in 1792 represented La Vendée in the Legislative Assembly, and who in 1805 did not hesitate to publish a little volume entitled "Avis à mon fils âgé de sept ans"—although in the preface to his work in 1781 he had described himself as long past the age of the passions. Even bishops yielded to the temptation. Loménie, coadjutor of his uncle the Archbishop of Sens, Torné, Bishop of Bourges, Massieu of Beauvais, and Lindet of Evreux were publicly married. Many nuptials of this kind were celebrated with an air of defiance. Pastors announced their approaching weddings to their flocks in florid rhetoric, as though assured of finding sympathy for the assertion of the triumph of nature over the tyranny of man. Others presented themselves with their brides at the bar of the National Convention, as though to demonstrate that they were good citizens who had thrown off all reverence for the obsolete traditions of the past.

A nation maddened and torn by the extremes of hope, of rage, and of terror, which met the triumphal march of three hundred and fifty thousand hostile bayonets with the heads of its king and queen, which blazoned forth to

[1] La loi ne reconnait ni vœux religieux, ni aucun autre engagement qui serait contraire aux droits naturels ou à la constitution.

Europe its irrevocable breach with the past by instituting festivals in honour of a new Supreme Being and parading a courtesan through the streets of Paris as the goddess of reason, was not likely to employ much tenderness in coercing its internal enemies, and chief among these it finally numbered the ministers of religion. To them it soon applied the marriage test. To marry was to acknowledge the supremacy of the civil authority and to sunder allegiance to foreign domination; celibacy was at the least a tacit adherence to the enemy and a mute protest against the new *régime*. Matrimony, therefore, rose into importance as at once a test and a pledge, and every effort was made to encourage it. Among the records of the revolutionary tribunal is the trial of Mahue, curé of S. Sulpice, 13 August, 1793, accused of having written a pamphlet against priestly marriage, and he was only acquitted on the ground that his crime had been committed prior to the adoption of the law of 19 July, 1793.[1] A decree of 19 November, 1793, relieved from exile or imprisonment all priests who could show that their banns had been published, and when, soon afterwards, at the height of the popular frenzy, the Convention sent its deputies throughout France with instructions to crush out every vestige of the dreaded reaction, those emissaries made celibacy the object of their especial attacks. Thus, in the Department of the Meuse, deputy De la Croix announced that all priests who were not married should be placed under surveillance; while in Savoy the harsh measures taken against the clergy were modified in favour of those who married by permitting them to remain under surveillance. One zealous deputy ordered a pastor to be imprisoned until he could find a wife, and another released a canon from jail on his pledging himself to marry. Many of those thus forced into matrimony were decrepit with years,

[1] Desmaze, Pénalités Anciennes, p. 222, Paris, 1866.

and chose brides whose age secured them from all suspicions of yielding to the temptations of the flesh. Such was the venerable Martin of Marseilles, who, after seeing his bishop and two priests, his intimate friends, led to the scaffold, took, at the age of 76, a wife nearly 60 years old. As an unfortunate ecclesiastic, who had thus succeeded in weathering the storm, fairly expressed it, in defending himself against the reproaches of a returned *émigré* bishop, he took a wife to serve as a lightning rod. These unwilling bridegrooms not infrequently deposited with a notary or a trusty friend a protest against the violence to which they had yielded, and a declaration that their relations with their wives should be merely those of brother and sister.

Yet in this curious persecution the officials only obeyed the voice of the excited people. The press, the stage, all the organs of public opinion, were unanimous in warring with celibacy, ridiculing it as a fanatical remnant of superstition, and denouncing it as a crime against the state. The popular societies were especially vehement in promulgating these ideas. The *Congrès fraternel* of Ausch, in September 1793, ordered the local clubs to enlighten the benighted minds of the populace on the subject, and to exclude from membership all priests who should not marry within six months. A petition to the National Assembly from the republicans of Auxerre demanded that all ecclesiastics who persisted in remaining single should be banished; while a more truculent address from Condom urged imperiously that celibacy should be declared a capital crime, and that the death penalty should be enforced with relentless severity. In times so unsparing, when suspicion was conviction and conviction death, and when such were the views of those who swayed public affairs, it is not to be wondered at if many pious Churchmen, unambitious of the crown of

martyrdom, thought matrimony preferable to the guillotine or the noyade.

Indeed, the only source of surprise is that so few were found to betray their convictions. In the vast body of the Gallican Church it is estimated that only about 2000 marriages of men in orders took place after the Reign of Terror had rendered it a measure of safety. In addition to this, about 500 nuns were also married; and though this proportion is larger, it is still singularly small when we consider that these poor creatures, utterly unfitted by habit or education to take care of themselves, were suddenly ejected from their peaceful retreats and cast upon a world which was raging in convulsions so terrible.[1]

This is doubtless attributable to the steadfast resistance which the better part of the clergy made to the innovation, in spite of the danger of withstanding the popular frenzy, and in disregard of the laws which denounced such opposition. Even the *assermentés*, who had pledged themselves to the Revolution by taking the oath of allegiance, were mostly unfavourable to the abrogation of celibacy, and the position thus maintained by the clergy gave tone to such of the people as retained enough of devout feeling still to frequent the churches and partake of the mysteries of religion. The existence of an active and determined opposition is revealed by an act of 16 August, 1792, guaranteeing the salaries of all married priests, thus showing that in some places at least their stipends had been withheld.

[1] I have not found it easy to form a satisfactory estimate of the number of French ecclesiastics previous to the Revolution. Le Bas (Dictionnaire Encyclopédique de l'Histoire de France, V. 218) gives a table showing an aggregate of 418,206 souls, of whom 235,147 may be considered as attached to the secular service, and 183,059 to the regular Orders and canons. Of these latter, 100,451 were men and 82,608 were women. On the other hand, M. Sauvestre (Congrégations Religieuses, pp. 5, 6) quotes from the Abbé Expilly a statement that in 1765 there were 79,000 monks and 80,000 nuns, while he shows that other contemporary authorities reduce the number of members of religious Orders in 1789 to 52,000 of both sexes. M. Charles Chabot (Encyclopédie Monastique, p. x., Paris, 1827) computes, after elaborate tabulation, the number of ecclesiastics, regular and secular, at 407,753 persons, enjoying a revenue of 127,610,576 francs.

Many pastors, indeed, were driven from their parishes by their congregations, in consequence of marriage, to put an end to which a decree of 17 September, 1793, ordered the communes to continue payment of salaries in all such cases of ejection.

There were not wanting courageous ecclesiastics who opposed the innovation by every means in their power. Although Gobel, Bishop of Paris, a creature of the Revolution, favoured the marriages of his clergy, a portion of his curates openly and vigorously denounced them, and Gratien, Archbishop of Rouen, addressed to him a severe reproach for his criminal weakness. The same Gratien excommunicated one of his priests for marrying, and published, 24 July, 1792, an instruction directed especially against such unions. For this he was thrown into prison, where he was long confined. Fauchet of Bayeux, for the same offence, was reported to the Convention, but was fortunate enough to elude the consequences. Philibert of Sedan issued, 20 January, 1793, a pastoral in which he more cautiously argued against the practice, and, after a long persecution, he was lucky to escape with a decree of costs against him. Pastorals to the same effect were also promulgated by Clément of Versailles, Héraudin of Châteauroux, Sanadon of Oléron, Suzor of Tours, and others.

The Convention was not disposed to tolerate proceedings such as these. To put a stop to them, it adopted, 19 July, 1793, a law punishing with deprivation and exile all bishops who interfered in any way with the marriage of their clergy. For a while this appears to have put a stop to open opposition, but when the Reign of Terror was past, and the Catholics saw a prospect of reorganising the distracted Church, one of the earliest efforts was directed to the restoration of celibacy. On 15 March, 1795, some *assermentés* bishops, members of the Convention, issued

from Paris an encyclical letter to the faithful, in which they denounced sacerdotal marriage in the strongest terms. Those who entered into such unions were declared unworthy of confidence; the fearful constraint under which they had sought refuge in matrimony was pronounced to be no justification, and even renunciation of their wives was not admitted as entitling them to absolution for the one unpardonable sin.[1] In a second letter, issued 15 December of the same year, this denunciation was repeated in even stronger terms.

In these manifestoes the bishops did not speak by authority. They could not threaten or command, for they were acting beyond or in opposition to the law. With the progress of reaction they became bolder. In 1797 the Church ventured to hold a national council, in which it forbade the nuptial benediction to those who were in orders or were bound by monastic vows, thus reducing their marriages to the mere civil contract, and depriving them of all the sanction of religion. The local synods which, encouraged by the fall of the Directory, were held in 1800, adopted these principles as a matter of course, and took measures to enforce them. That of Bourges even prohibited the churching of women who were wives of ecclesiastics.

This condemnation of the married clergy carried despair and desolation into the households of those who had offended, and upon whom the door of reconciliation was so sternly closed. Grégoire of Blois, a leading actor in all these scenes, records the innumerable appeals received from the unfortunates, who, torn by remorse and thus repudiated by the Church, begged in vain for the mercy which was incompatible with the respect due to the ancient and inviolable canons.

All this, however, was merely local action. The

[1] Lett. Encyc. 15 Mars, 1795, art. IX. (Grégoire, p. 109.)

Gallican Church had not yet been reunited to Rome. In reconstructing a system of social order, Napoleon speedily recognised the necessity of religion in the state, and, despite the opposition of those who still believed in the Republic, the Concordat of 1801 restored France to its place in the hierarchy of Latin Christianity. There is nothing in the Concordat interfering with the right of the priest, as a citizen, to contract marriage; but as, in all affairs purely ecclesiastical, the internal regulation and discipline of the Church were necessarily left to itself, the rights of the priest, as a priest, became of course subject to the received rules of the Church, which could thus refuse the nuptual benediction, and suspend the functions of any one contravening its canons. In consequence of the power thus restored, when the question soon after arose as to the legality of sacerdotal marriages contracted during the troubles, the cardinal-legate Caprara issued rescripts to those whose unions were anterior to the Concordat, depriving them of their priestly character, reducing them to the rank of laymen, and empowering the proper officials to absolve them and remarry them to the wives whom they had so irregularly wedded. This created a strong feeling of indignation among the prelates who had carried the tabernacle through the wilderness, and who while opposing such marriages most strenuously, regarded this intervention of papal authority as a direct assault upon the liberties of the Gallican Church. Their time was past, however, and their denunciations of this duplication of the sacrament were of no avail. Yet the legality of such marriages as civil contracts, and the unimpaired right of priests to contract them, were asserted and proved by Portalis, in his masterly speech of 15 April, 1802, before the Corps Législatif, advocating the adoption of the Concordat as a law, although he admitted that the Church could withhold its sanction and could exercise its discipline

while the feeling of the people rendered sacerdotal celibacy desirable.[1]

One phase of the situation thus created was aptly illustrated in the curious affair of Prince Talleyrand's marriage, which attracted at the time the attention of Europe. Forced into the Church by family exigencies, and elevated to the bishopric of Autun, he had earned the permanent hatred of the hierarchy by throwing himself into the revolutionary movement, where he bore a leading part in the secularisation of ecclesiastical property and utilised his episcopal functions in consecrating the Constitutional bishops. This could not be condoned, even in view of the active assistance which, as Minister of Foreign Affairs, under the Consulate, he rendered in the negotiations for the Concordat. In these he had vainly sought to introduce a clause releasing from their obligations all ecclesiastics who had contracted marriage or had otherwise renounced their clerical status—a clause which would

[1] This speech of Portalis *père* is an admirable commentary on the Concordat, developing its causes and consequences with a rigidity of logic and an enlightened spirit of faith which are equally creditable to the head and heart of the distinguished orator. From the portion devoted to the subject of marriage I quote the following, as embodying a clear exposition of the intentions of those who negotiated the Concordat :

"Quelques personnes se plaindront peut-être de ce que l'on n'a pas conservé le mariage des prêtres. . . . En effet, d'une part nous n'admettons plus que les ministres dont l'existence est nécessaire à l'exercice du culte, ce qui diminue considérablement le nombre des personnes qui se vouaient anciennement au célibat. D'autre part, pour les ministres mêmes que nous conservons, et à qui le célibat est ordonné par les réglements ecclésiastiques, la défense qui leur est faite du mariage par ces réglements n'est point consacrée comme *empêchement dirimant* dans l'ordre civil : ainsi leur mariage, s'ils en contractaient un, ne serait point nul aux yeux des lois politiques et civiles, et les enfans qui en naîtraient seraient légitimes ; mais dans le for intérieur et dans l'ordre religieux, ils s'exposeraient aux peines spirituelles prononcées par les lois canoniques : ils continueraient à jouir de leurs droits de famille et de cité, mais ils seraient tenus de s'abstenir de l'exercice du sacerdoce. Conséquemment, sans affaiblir le nerf de la discipline de l'église, on conserve aux individus toute la liberté et tous les avantages garantis par les lois de l'état ; mais il eût été injuste d'aller plus loin, et d'exiger pour les ecclésiastiques de France, comme tels, une exception qui les eût déconsidérés auprès de tous les peuples Catholiques, et auprès des français mêmes, auxquels ils administreraient les secours de la religion.' (Dupin, Manuel du Droit Public Ecclés. Française, 4ème éd. pp. 196–8.)

have covered his own case—but Pius VII. was obdurate, and, while promising to give to his legate Caprara faculties to absolve simple priests, he refused to comprehend bishops and members of the religious Orders.[1]

The Concordat adopted in this shape left Talleyrand in an awkward position. A fascinating woman with a dubious past, known as Madame Grand, had for some years been his acknowledged mistress, doing the honours of his house. In the easy morality of the Directory this had caused no scandal, but Napoleon, in re-establishing order, insisted on external decency, and moreover, when relations were resumed with foreign powers, ambassadorial ladies murmured at being obliged to associate with a concubine. He therefore offered Talleyrand the peremptory alternatives of marrying Madame Grand or of dismissing her, and Talleyrand chose the former. Two pressing applications were made to the Holy See and urged with all the force that Napoleon could bring to bear, but in each case the only outcome was a brief enabling Talleyrand to be unfrocked, to be reduced to lay communion, deprived of sacerdotal functions, and authorised to lead a secular life, without a word as to marriage. Thus checked, Talleyrand made the best of the situation. He caused the second brief to be laid before the Council of State, which duly accepted it and ordered its registration, and it was officially gazetted in a concise form stating that it restored citizen Talleyrand to secular life. All the world assumed this as conferring on him the full privileges of the laity, and it was in vain that the Holy See caused the insertion in foreign journals of a statement that it reduced him to lay communion without relieving him of his vows. His civil marriage with Madame Grand was celebrated on 10 September, 1802, and the lady had the

[1] Bernard de Lacombe, Le Mariage de Talleyrand (*Le Correspondant*, Paris, 25 Aout et 10 Septembre, 1905).

It is to this exhaustive article that I owe the details of this celebrated case.

satisfaction of styling herself Talleyrand-Périgord, or subsequently Princess of Benevento. A sacramental marriage, it is said, followed, performed quietly by the curé of Epinay, but the parish register of that place has disappeared and the assertion cannot be confirmed, though there is little reason to disbelieve it, for no one at the time, save the Curia, doubted the legal validity of the union.

The question of celibacy was not settled by the Concordat. Notwithstanding the certainty of ecclesiastical penalties following such infraction of the Tridentine articles of faith, the practice which had been introduced could not be immediately eradicated. Priests were constantly contracting marriage, and the question gave considerable trouble to the Government, which hesitated for some time as to the policy to be pursued. Portalis, in 1802, as we have seen, declared the full legality of such marriages, and the unimpaired right of ecclesiastics to contract them; and the provisions of the Code respecting marriage, adopted in 1803, make no allusions to vows or religious engagements as causing incapacity.[1] Yet in 1805, when Daviaux, Archbishop of Bordeaux, opposed the application of a priest named Boisset to the civil authorities for a marriage contract, Portalis, then Minister of Religious Affairs, on being appealed to, replied that the Government would not allow its officers to register such contracts. The local administrations sometimes assented to such applications and sometimes referred them to the central authority, until at length, in 1807, a definite conclusion was promulgated. This was to the effect that although the civil law was silent as regards such marriages, yet they were condemned by public opinion. The Government considered them fraught with danger to the peace of families, as the powerful influence of the pastor

[1] Code Civil, Liv. I. Tit. v.

could be perverted to evil purposes, and, if seduction could be followed by marriage, that influence would be liable to great abuse. The Emperor therefore declared that he could not tolerate marriage on the part of those who had exercised priestly functions since the date of the Concordat. As for those who had abandoned the ministry previous to that period and had not since resumed it, he left them to their own consciences. Thus in practice, although marriage was regarded as purely a civil institution, a limitation was introduced which was not authorised by the Code, which rested solely upon the authority of the Emperor, and which, far from indicating respect to the Church, was a flagrant insult. As Napoleon withdrew himself more and more from the principles of the new order of things, we find him disposed to take even stronger ground in opposition to the civil privileges accorded to the priesthood by the Concordat. The question of sacerdotal marriage continued to present itself under perplexing shapes, and at length the Emperor, on the eve of his downfall, perhaps with a view to propitiate the sacerdotal power, proposed to apply to married priests the penalty imposed by the law on bigamy.[1] It was too late, however: the Empire was rapidly vanishing, and these suggestions were soon forgotten in the hurrying march of events.[2]

[1] In an address to the Council of State, December 20, 1813, Napoleon said: "Le sacerdoce est une sorte de mariage; le prêtre étant uni à l'église comme l'époux à son épouse, il n'y aurait aucun inconvénient à appliquer au prêtre qui se marierait la peine de la bigamie: un tel ecclésiastique ne mérite aucun sorte de considération."—Bouhier de l'Ecluse, de l'Etat des Prêtres en France, Paris, 1842, p. 17.

[2] For many of the above details I am indebted to the curious but ill-digested little work, "Histoire du Mariage des Prêtres en France," published by Grégoire in 1826. Grégoire, though a priest of the *ancien régime*, was a sincere and consistent republican. A member of the States General, of the Convention, and of the Council of Five Hundred, elected Bishop of Blois by the voice of a people who knew and respected him, he preserved his ardent faith through all the excesses of the Revolution, and his democratic ideas in spite of the injuries inflicted on his class in the name of the people. The sincerity and boldness of his character may be estimated by a single example. When, on 7 November, 1793, Gobel, Bishop of Paris, appeared before the Convention with twelve of his vicars and publicly renounced his sacred

functions on the ground that hereafter there should be no other worship than that of liberty and equality, almost all the ecclesiastics in the Convention followed his example. To hold back at such a moment was dangerous in the extreme, yet Grégoire had the hardihood to utter a defiant protest. "I am a Catholic by conviction and by feeling, a priest by choice, a bishop by the voice of the people, but not from the people nor from you do I derive my mission, and I will not be forced to an abjuration." To him perhaps more than to any one else is attributable the skilful management which carried the Church through the storms and persecutions of the Revolution, but the same inflexibility which maintained his Catholicism through the ordeal of 1793 and 1794 caused him to stand by his republicanism long after it had gone out of fashion. He was not to be bought or bullied: the Legitimist was less tolerant than the Terrorist, and under the Restoration he was reduced almost to absolute indigence. Together with the other constitutional bishops, he had been compelled to resign his bishopric by order of the Pope after the Concordat of 1801, and he was too dangerous a man to be rewarded for his invaluable services to religion. He died in 1831.

CHAPTER XXXII

THE CHURCH OF TO-DAY

The question of sacerdotal marriage was left in France, on the collapse of the Empire, in a curiously unsettled condition, giving rise to very remarkable contradictions in the judicial decisions which since then have from time to time been rendered by the tribunals as cases were brought before them.

Under the Restoration, a priest named Martin, an old *réfractaire* of 1792, committed the imprudence of marrying in 1815. Not long after he died without issue. His relatives contested the succession with the widow, and in 1817 the inferior court decided in her favour. The next year the court of appeals reversed the judgment on the ground that sacerdotal marriage had only been sanctioned indirectly by the legislation of the Revolution, and that the Charter of 1814 (Art. 6) had restored Catholicism as the religion of the state. In 1821, however, the final decision of the Court of Cassation settled the question in favour of the widow, thus legalising such unions, for the incontrovertible reason that the Code did not recognise vows or holy orders as causes incapacitating for marriage.[1]

Even yet, however, the matter was not held to be finally disposed of. In 1828, Louis Thérèse Saturnin Dumonteil, a priest of Paris, who desired to contract marriage, failed to obtain from the courts the customary assistance required by the law to set aside the refusal of

[1] Grégoire, op. cit. p. 102.

his parents, who declined their assent to his projected union. The case was argued in all its bearings on civil and ecclesiastical law, and he found the tribunals resolutely opposed to him. When the Revolution of July unsettled the public mind with visions of the revival of the principles of '89, Dumonteil endeavoured to carry out his project. The lower court decided in his favour, 26 March, 1831, but the higher courts reversed the decision, and pronounced definitely that priests could not contract civil marriage,[1] and this in spite of the Charter of 1830, which simply affirmed Catholicism to be the religion of the majority of Frenchmen, while that of 1814 had declared it to be the religion of the state.

This curiously vexed question seemed incapable of positive solution. The case of Dumonteil apparently discouraged aspirants for clerical marriage during the next thirty years, for I have met with no allusions to any attempt in that direction until 1861. In that year M. de Brou-Laurière, a priest already debarred from his sacred functions, engaged himself in marriage with Mlle. Elizabeth Fressanges, of Deuville near Périgueux. On calling upon the mayor of the village to perform the ceremony and register the contract, that functionary refused to act. He was supported by the public authorities, and the expectant bridegroom was obliged to appeal to the tribunals to obtain his rights. The question was warmly contested and thoroughly argued, and it was not until a year had elapsed that the court of Périgueux rendered a decision ordering the mayor to perform his functions and to marry the patient couple. The case was then carried to the superior court at Bordeaux, which reversed the previous decision.

[1] Bouhier de l'Ecluse, op. cit. It was apparently this case which led to the publication, under date of Monaco, 1829, of the "Considerazioni imparziali sopra la legge del Celibato Ecclesiastico, proposte dal Professore C. A. P."—A tolerably well written summary of the arguments against the rule.

Again, in 1864, in the case of the Abbé Chataigneu, the court of Angoulême decided that a priest was, under the law of France, not competent to contract civil marriage.[1] On the other hand, in 1870 the court of Algiers, in the case of a M. Q——, delivered an elaborate decision to the effect that in France there is no law forbidding the civil marriage of priests.[2] Yet in 1878 the Court of Cassation confirmed a decision of the court of Rennes, pronouncing null and void the marriage of a priest, at the instance of his nephew and niece, to whom he had bequeathed his property by a will anterior to the marriage. When M. Loyson (Père Hyacinthe) married Mrs. Merriman, in 1872, the ceremony was performed in London, at the office of the registrar of marriages, and M. Loyson gave as the reason of his seeking a foreign land the refusal of the French officials to confirm the civil ceremony. So the Abbé Chavard, vicar of Marseilles, in 1874 went to Geneva for the same purpose, where he continued his priestly functions; and this leads me to regard as exceedingly improbable a public statement in the daily journals that priestly marriages occur in France at the rate of twenty or thirty a year. In fact, so lately as September 1883 there was before the courts a case which shows how uncertain is the question still in France. A certain Abbé Junqua was expelled from the Church and was condemned to three months' imprisonment for continuing to wear the priestly robes. He subsequently married and engaged in trade, when he failed, and his wife sought to secure her dowry from the bankrupt assets, but was resisted on the ground that her marriage was illegal under the Concordat, although the Church had itself deprived the husband of his ecclesiastical character. Yet at last, when in 1888 the Court of Cassation, the supreme tribunal in France,

[1] Talmadge's Letters from Florence, p. 166.
[2] Chavard, Le Célibat des Prêtres, pp. 525–30.

definitely decided in favour of priestly marriage, the decision was acquiesced in with scarce a remonstrance and hardly attracted attention. It is evident that the world moves.

In Switzerland I have met with two or three cases of such marriages, but they have no special significance. In one of them, occurring in Lucerne some fifty years ago, the priest left the Church in order to marry, and lived with his wife until her death, in 1880, when he permitted her to be buried as a Catholic, and had the mortification of seeing her name entered on the register, publicly exposed in the parish church, as an unmarried woman.

In Wiesbaden, in 1821, a priest named Koch, with the permission of the authorities, abandoned the priesthood and applied to the curé of the place to marry him, when, meeting with a refusal, he had the ceremony performed by a Protestant pastor, and was promptly excommunicated by the vicar of Ratisbon. Not deterred by this, in 1828 a hundred and eighty priests of Baden petitioned the secular power for permission to marry, and the Chamber of Deputies showed a disposition to grant the request. This effort was imitated in 1831 by the Catholic clergy of Silesia, but the movement was repressed by the Prussian Government; and in 1833, at Trèves, a clerical association was formed to carry out the same object.[1] These efforts led Gregory XVI., in the encyclical Mirari vos (15 August 1832), to urge the bishops to constant vigilance and earnest effort in defence of a law of the greatest importance, against a foul conspiracy which was daily extending. Some similar movements in Austria in the next decade led Pius IX., almost immediately after his accession to the papal chair, in his encyclical letter Qui pluribus (9 November, 1846), to repeat the words of his predecessor. In 1851, moreover, he took especial pains to stigmatise a

[1] J. M. Cayla, Les Curés mariés par le Concile, Paris, 1869.

work, published in Lima by Francisco de Paula in 1848, entitled "Defensa de la Autoridad de los Goberinos," which impiously sought to decentralise the Church, and which took strong grounds against enforced celibacy.[1]

How immovable, indeed, is the position of the hierarchy on this matter is shown by the case of Panzini. Panzini is, or was, a Capuchin monk, who in 1854 conceived the idea that the greater part of the evils under which the establishment labours are the result of celibacy and its attendant immorality. He addressed to the Pope an anonymous memorial urging him to submit the question to the bishops then assembled in Rome, and followed this with two similar subsequent applications. Finally, in the troubles of 1859, anticipating the assembling of a European congress, he resolved to print an essay on the subject, addressed to all the bishops of the Church, thinking that the congress would afford him an opportunity of reaching them. The printer to whom he confided his manuscript promptly placed the dangerous matter in the hands of Cardinal Antonelli, when Panzini was at once thrown into prison and delivered to the Inquisition. After a trial which lasted six months, he was condemned to twelve years' incarceration and perpetual suspension from the sacerdotal functions which were his only source of livelihood. After two years of his sentence had expired, he was released at the instance of the Italian Government, and in 1865 he published his essay, rewritten from memory, under the title of "Pubblica Confessione di un Prigioniero dell' Inquisizione Romana ed origine dei mali della Chiesa Cattolica."

Now, Panzini's persecution arose solely from his affirming that enforced celibacy is impolitic and unnatural. He professed unbounded reverence for the Church in all matters of faith, and claimed that the point at issue was

[1] Litt. Apostol. Multiplices inter.

merely one of discipline on which the Church might make a mistake. Even here, however, he was careful to declare his measureless admiration for voluntary asceticism. Virginity he believed to be immensely superior to matrimony, and he anathematised as cheerfully as the Council of Trent could wish all who should proclaim the contrary. Even monasticism he defended as a state of perfection recommended by Christ. His sole objective point was the rigidity of the law which renders the single state indispensable to all ecclesiastics, and he essayed to prove that this is in direct antagonism to all the general principles of Catholic theology; that the purity which is its pretext is impossible to enforce, and that the effort itself is most disastrous to the Church and to the faithful. The authorities were not disposed to consider that these opinions were an allowable dissidence on matters of policy, and they hastened to brand them as heretical. In the sentence passed upon Panzini the Inquisition took occasion to stigmatise as heresy the assertion that enforced celibacy is contrary to nature, that it is a stumbling-block and the cause of perpetual transgression.[1] That this theory was enforced in practice so long as the Church could control the secular power is shown in the case of an Italian priest who, preferring to sanctify love by marriage rather than to indulge in illicit intrigue, married and fled with his bride to Africa, seeking among the infidel the liberty denied him in Christendom. Three children blessed his union, but the unresting vigilance of the Church discovered his retreat, when, with the aid of the French consulate, he was seized, carried back to Naples, and thrown into prison to repent indefinitely of his errors.[2]

There evidently could be no reasonable ground for expecting a change of policy in this respect on the part of

[1] Panzini, pp. 16, 58, 102, 143, 201, 401.
[2] Ibid. p. 123.

the Roman Curia, and this was recognised in 1866 by some Catholic priests of Hungary, who, desiring liberty of marriage, and seeing the futility of anticipating it at the hands of their superiors, united in petitioning the National Diet for the requisite permission. Yet in spite of the extravagance of supposing that a body which, since the Council of Trent, has become so thoroughly centralised as the Church, would listen to the wishes of its lower classes, there were not wanting those who imagined that the Council of the Vatican in 1870 would adopt the discipline of the Eastern Church and permit marriage to the inferior orders. Any such expectations were destined to be disappointed as soon as the preliminary machinery of the council became known. A *congregazione centrale* was appointed by Pius IX. in advance, consisting exclusively of cardinals connected with the Inquisition, and to this body was delegated the sole determination of the matters to be submitted to the council for discussion. Under this *congregazione*, and presided over by its members, were five *consulte*, to act as sub-committees on the subjects respectively confided to their deliberations. The *consulta* on faith and dogma was under the presidency of Cardinal Bilio, notorious as the compiler of the Syllabus of December 1864, and that on canons and discipline was committed to Cardinal Catarini, whose whole career had been passed in the Inquisition, and who had acquired a sinister fame by his rigorous punishment of all attempts at reform. If, as the Church asserts, the proceedings of general councils are under the immediate operation of the Holy Ghost, it will be seen what reverent care was observed to keep Him in due subjection, and to spare the Church the scandal of being brought by thoughtless innovators into opposition with Him.

As the destined outcome of the council was simply the dogma of papal infallibility, the hopes of the anti-celiba-

tarians were transferred to the schism precipitated by it, and known as that of the Old Catholics. In 1875 a Dean Suczinsky married the Baroness Gazewaska, and joined the schismatics, when the Prussian Government decided to protect him in the enjoyment of his temporalities, and his new brethren agreed to receive him, and thus committed themselves on the question of celibacy—a decision confirmed in 1878 by the synod of Bonn, which decreed, by a vote of 75 against 22, that the prohibition of the canons is not an obstacle to the marriage of ecclesiastics, or to the cure of souls by married priests. It required no common conscientiousness and strength of purpose for men like von Döllinger, von Schulte, Reusch, and their companions, upheld by their intimate knowledge of the past, to sever themselves from the Church in which they had been nurtured, when so many of those on whose co-operation they had relied allowed themselves to be coerced into subscribing to a doctrine the untenability of which they had exposed.[1] What, however, is to be the eventual outcome of their self-sacrifice time alone can determine. The struggle in France over the separation of Church and State shows that Ultramontanism is unyielding, and that the Vatican is resolved to rule or ruin. It is irreconcilable, and those who will not submit blindly to its demands have no choice but heresy or schism. This can scarce fail to broaden the movement of *Los von Rom*, which in Austria has already cost the Church so many thousand souls; and while most of these have gone over to the Evangelicals, the Old Catholics in the German portions of the Austrian Empire claim 23,000 members, and are growing at the rate of a thousand a year. In Bavaria and the Rhine lands they are said to be numerous, and in Switzerland the canton of Geneva alone numbers them

1 See Goetz, Franz Heinrich Reusch: eine Darstellung seiner Lebensarbeit, Gotha, 1901.

at 4300. Holland has its share; and in the United States they have long been organised, having had about four thousand communicants as early as 1892. A cognate movement is on foot in France, where the uncompromising stand of the Vatican on the Law of Separation is directly provocative of schism. Akin to this is the separatist Polish National Church of America, which at the present moment is considering the question of abrogating priestly celibacy. It is useless to forecast the future, but he is blind to the portents of the times who does not recognise that there are elements at work which, if met with the eternal *non possumus*, may seriously threaten unity.[1]

Another serious blow in the matter of marriage has been dealt by the adoption in successive Catholic states of what is known as civil marriage, by which matrimony is withdrawn from the exclusive control of the Church, and the sacrament and benediction are declared to be accidents not necessary to the legal status of husband and wife or to the legitimacy and heritable capacity of children. We have already seen that this was one of the legislative results of the French Revolution, and the example thus early set by France has been followed of late by Italy and Austria after its adoption in 1853 by Sardinia, as one of the earliest reformatory measures of Cavour. Yet the Church positively refuses to regard such marriages as entitled to respect. This is a trouble of old date, for when, in 1744, Benedict XIV. was informed that in Belgium parties who were obliged by the law to present themselves before the civil magistrate and declare their intention to be man and wife frequently neglected to invoke the ministration of the priest, he pronounced such marriages to be invalid,

[1] There may be possible promise of a new alignment in the report (January 1907), that Archbishop Messmer, of Milwaukee, publicly holds out the prospect that Episcopal clergymen may be received as priests in the Catholic Church without being obliged to abandon their wives.

and this was repeated by Pius VI. in 1791 and Pius VII. in 1808. It is therefore not surprising that when the project was under discussion in Italy, the *Unità Cattolica*, one of the papal organs, in its issue of 16 July, 1864, did not hesitate to assert that the establishment of civil matrimony was establishing the liberty of licentiousness, and that, after having scattered houses of ill-fame throughout Italy, it would convert the whole peninsula into one brothel. In a similar spirit, the Papal Penitentiary, 15 January, 1866, issued instructions reciting a decision of Pius IX. in secret consistory, 27 September, 1852, that civil marriage without the sacrament was nothing but a foul and destructive cohabitation, whence it was deduced that the civil authorities have no power over marriage or divorce, and Pius IX. followed this by an allocution of 30 October, 1866, denouncing it as leading to an organised system of scandalous concubinage.[1] When, in May 1868, Austria followed the example of Italy, Pius within a month delivered an allocution in which he not only condemned the "abominable law," but declared it to be null and void; and Cardinal Rauscher, Archbishop of Vienna, issued a manifesto in which he not only denied that the civil contract constituted marriage, and directed that children sprung from such unions should be entered on the parish registers as neither legitimate nor illegitimate, but gave positive instructions that absolution should be denied, even *in articulo mortis*, to all parties who had cohabited in such unions—thus stigmatising them as worse than concubinage. In a similar spirit, when, in 1869, civil marriage was proclaimed under the short-lived republic of Spain, the clergy, under inspiration from the Vatican, denounced it as concubinage, and threatened to suspend the celebration of the Mass. The law, in fact, excited much popular feeling, for it made the civil ceremony

[1] Appendix ad Concil. Plenar. Americæ. Latinæ, pp. 739–42.

essential, and declared that without it the solemnisation in church did not confer the legal status of man and wife, so that with the restoration of the monarchy it was promptly repealed, and an effort to restore it was rejected by an emphatic vote of the Cortes in February 1883. With the more liberal tendencies that have since prevailed, the matter has been again taken up, and its recognition has been the subject of fierce dissension. Leo XIII. was vigorous in his opposition to the innovation. In his first encyclical, issued 21 April, 1878, he declared that "citizens, profaning the dignity of Christian marriage, have adopted legal concubinage in place of religious matrimony"; and he returned to the attack in a special encyclical on the subject, published 10 February, 1880. In this he assumes that, as "by the will of Christ the Church alone can and ought to legislate and decide concerning sacraments, so it is out of the question to attempt to transfer any, even the smallest part, of her power to the government of the state," and therefore "judicial sentences on conjugal contracts, as to whether they have been entered upon rightly or wrongly," are a direct infringement of the rights of the Church, whether those judgments be adverse or not to the canons.[1]

The earlier passages of this encyclical are so warm and eloquent a defence of the holiness of matrimony, as the natural condition of man decreed by God, that it would probably trouble its author to explain why so exalted and divine a state should be prohibited to the ministers of the God who devised it and fitted his creatures specially for it. It is easy, however, to account for the bitter and persistent opposition of the Church to the civil marriage laws without attributing it to the control which the monopoly of the sacrament gives it over the faithful, and the lucrative nature of the business thus brought to the Curia. More important

[1] Acta Leonis, PP. XIII., T. I. p. 54; T. II. p. 10.

than these is the fact that under the laws the State has the power to permit clerical marriage. For more than half a century such laws had existed in France, but as the French tribunals leaned towards upholding ecclesiastical celibacy, they were acquiesced in comparatively in silence. When Italy, however, followed the example, it was seen that the temper of the Italian Government would lead to construing them in a sense favourable to priestly liberty, and hence the opposition, which has been justified and intensified by the result. Immediately on the passage of the Civil Marriage Act, Dr. Prota, of Naples, an energetic reformer within the Church, in a letter of 30 October, 1865, advised all his clerical friends to marry and to persist in the exercise of their functions, "and the more who do so at once and simultaneously the safer for all, for the bishops will venture the less to persecute you in the face of public opinion." Accordingly, cases of priestly marriage commenced to occur, and when they were contested their validity was confirmed by the tribunals. The superior courts of Genoa, Trani, and Palermo successively decided in this sense; and finally, in 1869, occurred the case of Andrea Treglia, of the diocese of Salerno, which settled the question in Naples. The municipal officers of Vietri refused to marry him; the court of Salerno decided against him, but when the matter was carried up to the court of appeals of Naples judgment was rendered in his favour, and he was married forthwith—thus legitimating the unions of some fifty priests who had preceded him, without the question having been settled by the tribunal of last resort. In the organ of the reforming Catholics of Naples, the *Emancipatore Cattolica*, it was not without interest to see the successive marriages chronicled with the same satisfaction as that evinced by Spalatin in the stormy days of Luther.[1] In Austria the Church succeeded better in

1 Naples was perhaps the first kingdom in Europe to promulgate a civil

maintaining its hold upon those who had once entered its service. The Civil Marriage Law encouraged a number of priests to marry, but in 1891 the journals announced a decision by the High Court of Appeals, in the case of one who abandoned the Catholic faith in 1870 and who married in 1879, to the effect that a man who had vowed a life of celibacy could not be released from his vow.

Yet the whole question is one of but slender practical importance. In no country is the Catholic Church subservient to the State. It controls its own sacraments, and no government is likely to venture upon interference with it in its own sphere. While therefore it may be deprived of the power to persecute and punish those of its members who enter upon civil marriage, it yet possesses the ability to deprive them of their functions, which in most cases is equivalent to depriving them of bread; and it has an unquestioned right to expel them from its communion. The priest who marries, therefore, is virtually separated from his Church and deprived of his means of livelihood—motives which, combined with the moral forces at work to keep men within the accustomed bounds, are quite sufficient to prevent defection from growing common, or to render marriage with a priest attractive to women above the lowest class. Even in the United States, where there is no legal impediment to priestly marriage, and the tone of society is such as rather to welcome those who escape from the pale of Rome, such cases are rare, although of late years they seem to be increasing. While, therefore, the civil marriage laws of Europe unquestionably loosen the ties which in this respect bind the priest to his Church, there are still sufficient material and moral forces at work to

marriage law and to withdraw matrimonial cases from ecclesiastical jurisdiction. This was one of the reforms of the minority of Ferdinand IV. about the year 1760. See Colletti's History of Naples, Horner's translation, I. 107.

prevent desertions from this cause from assuming any serious proportions.

The monastic Orders have not escaped the innovating spirit of modern times, and Catholic lands have followed, to a large extent, the example set in the sixteenth century by Henry VIII. and the German Protestant princes. The excessive multiplication of the "religious" and the enormous accumulation of property in mortmain were recognised as an evil calling for repression as soon as the old-time veneration for the Church declined in the irreverential spirit of the eighteenth century. The expulsion of the Jesuits from Portugal, France, and Spain, between 1759 and 1767, and the suppression of the Order by Clement XIV. in the bull Dominus ac Redemptor, 24 July, 1773, gave the impulse. The Emperor Joseph II., in a series of measures from 1772 to 1784, greatly reduced the religious Orders in his own dominions and suppressed the contemplative ones, which contributed nothing visible to the benefit of society.[1] His brother, Leopold of Tuscany, desired to abolish all the Orders and replace them with one which should serve as a retreat for pious souls, but he felt himself not strong enough, and ventured only on partial measures.[2] The French Revolution followed, with its decisive action of secularising all Church property by the decree of the National Assembly of 2 November, 1789, and the suppression of the Orders, 13 February, 1790. Germany yielded to the temptation, and by the Reichsrecess of 25 February, 1803, secularised the bishoprics and monastic foundations; everywhere but in Austria the religious houses were gradually suppressed, and their buildings

[1] Wetzer und Welte, Encyclopädie, VI. 1853.—Herzog, Real Encyclopädie, XIV. 50.

[2] Scaduto, Stato e Chiesa sotto Leopolde I. p. 296 (Firenze, 1885).

were converted into barracks, prisons, insane asylums, and the like.[1] In Spain, the Napoleonic invasion laid waste many convents, and the Cortes of Cadiz in 1813 decreed that none should be restored which had less than twelve inmates, and that there should not be more than one of each Order in any one place.[2] The Revolution of 1820 went further, suppressing the monastic Orders and consolidating the houses of the mendicants, all of which was revoked by the reaction of 1823.[3] In the troubles following the death of Ferdinand VII. in 1833, the Regency was forced to rely on the Liberals: a policy was adopted of suppressing the religious Orders and secularising Church property, which during the ensuing fifteen years, amid various fluctuations, gradually destroyed them. The process was by no means always peaceable. In 1835 the revolutionary juntas rose against them, burning many of the houses, ejecting the inmates and slaying some of them. The decrees of 8 March, 1836, and 29 July, 1837, extinguished the convents with few exceptions; even the nuns were turned out and left to perish in misery, although the funds of their convents consisted largely of the dowers which they had brought.[4] The Concordat of 1851, however, re-established the Orders devoted to works of charity and education; but the royal decrees issued in execution of these provisions placed them under Government supervision and subject to strict limitations,[5] in spite of which they have flourished and multiplied largely, leading to political vicissitudes of which the end is not as yet apparent. In Portugal the process was more summary. The Emperor

1 Wetzer und Welte, X. 1528-9.—Herzog, XIV. 52.—Brück, Kathol. Kirche in Deutschland, I. 3, 192.

2 Lafuente, Hist. Gen. de España, XXV. 412.—Collecion de los Decretas de las Cortes, III. 211.

3 Lafuente, XXVII. 207.—Castillo y Maiyone, Frailesmonia, II. 236-7.

4 Castillo y Ayensa, Negociaciones con Roma, I. 120.—Vicinte de la Fuente, Hist. Eclesiastica de España, III. 497.

5 El Concordato de 1851, pp. 125-8, 145-6 (Madrid, 1882).

Pedro I. of Brazil, as regent for his daughter, Maria da Gloria, by decree of 15 August, 1833, suppressed the convents and the military Orders; the promised pensions of the ejected inmates were not paid, and they suffered the extremity of want.[1] When Italy ceased to be a geographical expression and was consolidated under Victor Emanuel, the law of 28 June, 1866, with its supplements of 15 August, 1867, and 19 June, 1873, completed the destruction of the religious houses, confiscated their property, and pensioned the inmates with from 144 to 600 lire per annum, according to their position. Two exceptions were made: Monte Cassino, the venerable mother of Western monachism, was spared, and provision was made for its maintenance as a national monument; while Savonarola's convent of San Marco was preserved, rather perhaps on account of its frescoes than of its associations. The process of ejectment was summary. Panzini speaks with indignation of the files of soldiery sent to drive from their houses the terrified nuns, who were thrown upon a world with which they were by their training utterly unfit to cope;[2] and early in 1867 the journals reported that nearly all the inmates of the monasteries were dispersed, some of them returning to their families, some of them accepting refuge offered to them by the charitable, but most of them clubbing together and hiring houses in which to live as of old.

In France, under the Concordat of 1801, the re-establishment of monachism was strictly prohibited, but some organisations succeeded in forming themselves. Charitable associations of females were encouraged and flourished, while male brotherhoods which proved politically dangerous were crushed without ceremony. Even under the Restoration popular antagonism was still so strong that

1 Wetzer und Welte, X. 1533.
2 Panzini, op. cit. pp. 596–7.

the efforts made by Charles X., from 1825 to 1827, to introduce the Jesuits and other male Orders aroused strong opposition, and the elections of 1827 settled the question definitely in the negative.[1] The constitutional Government of Louis Philippe, from 1830 to 1848, showed itself persistently hostile; but the Second Republic was more liberal, and the Second Empire ostentatiously sought the alliance of the Church. After the fall of Louis Napoleon, the reactionary Government of Marshal MacMahon continued this alliance, and the result was seen in the enormous growth of the regular Orders in wealth, members, and influence. This, after republicanism had been firmly established by the will of the people, became a serious menace to the tranquillity of the State, for by its vital principle monachism owes its allegiance first to the Holy See and secondarily to the land from which its members are drawn. A long struggle ensued, commencing with the Ferry laws on education in 1879—a struggle in which the expatriation of the monastic Orders became merely an incident, and culminating in the separation of Church and State. The struggle thus has assumed the wider aspect of the internecine conflict between mediæval theocracy on the one side and civil and religious liberty on the other. The issue is still undecided, and it is not for us to predict the result.

Nor has this anti-monastic movement been confined to the Old World, for the example of Europe has been followed in many of the former Spanish colonies. Paraguay led the way, in 1824, by suppressing all monasteries as useless, and Brazil, in 1829, prohibited the entrance of men devotees, thus condemning the existing institutions to gradual extinction. Mexico, by a series of laws from 1856 to 1863, suppressed the religious Orders and confis-

[1] Dutibleul, Histoire des Corporations religieuses, pp. 411 sqq. (Paris, 1846).—Dupin, Droit ecclésiastique, pp. 285–98.

cated their property. New Granada was even more prompt, by legislation commencing in 1852 and culminating in 1863. Venezuela did the same in 1874. Ecuador in 1899 secularised all ecclesiastical property, and Nicaragua is understood to be preparing for similar action.

So general a movement in both hemispheres, by nations professing Catholicism, cannot be explained simply by greed for the overgrown possessions of the Church, although that has unquestionably borne its share in tempting governments to replenish their exhausted treasuries. It is an evidence that mediæval monasticism has outlived the influences which fostered its growth to such enormous proportions, and that, whatever may have been its services of old, they no longer correspond to the wants of the present sufficiently to justify its absorption of so large a portion of the resources and productive energies of society. It further indicates the convictions of statesmen that such corporations, dissociated from their environment by the vow of celibacy, having interests distinct from those of their fellow citizens, indissolubly bound together and owing allegiance, not to their own rulers but to a foreign chief, are politically as well as economically undesirable.

It only remains for us to consider what is the present effect of celibacy on the moral condition of the Church, and whether it has succeeded, after fifteen centuries of fruitless effort, in at last obtaining a priesthood whose chastity is more than nominal. At the commencement of the struggle, the great apostle of asceticism, St. Jerome, calmed the fears of those who dreaded a diminution of population from the spread of vows of continence, by assuring them that few would be found to persevere to the end in a task so difficult as the maintenance of virginity.[1]

[1] Noli metuere ne omnes virgines fiant ; difficilis res est virginitas, et ideo rara,

Has, then, human nature changed during the interval, and has the Church been justified in its assertion at the Council of Trent that God would not withhold the gift of chastity from those who rightly seek it, or permit us to be tempted beyond our strength?[1] It is certainly not so easy to answer this question now as we have seen it in former ages, when men were more plain-spoken and less decent, when offences against morality were committed more openly, and when they were denounced both by the Church and its enemies with a distinctness of utterance unfit for modern ears. Yet it is not impossible to find some evidence bearing on the question which may enable the impartial inquirer to arrive at a conclusion.

The Church is unquestionably violating the precept "Thou shalt not tempt the Lord thy God" when, in its reliance that the gift of chastity will accompany ordination, it confers the sub-diaconate at the age of twenty-two and the priesthood at twenty-five[2]—or even earlier by special dispensation—and then turns loose young men, at the age when the passions are the strongest, trained in the seminary and unused to female companionship, to occupy a position in which they are brought into the closest and most dangerous relations with women who regard them as beings gifted with supernatural powers and holding in their hands the keys of heaven and hell. Whatever may have been the ardour with which the vows were taken, the youth thus exposed to temptations hitherto unknown finds his virtue rudely assailed when in the confessional female lips repeat to him the story of lustful longings, and

quia difficilis. Incipere plurimorum est, perseverare paucorum.—Hieron. adv. Jovin. I. 36.

1 Concil. Trident. Sess. XXIV. De Sacrament. Matrim. c. ix.

2 Concil. Trident. Sess. XXIII. De Reform. c. xii. The Abbé Chavard relates (Le Célibat des Prêtres, p. 269) that he once asked the directors of a seminary whether the age for assuming the burdens of the priesthood ought not to be postponed to the fortieth year, and he was told that the Church must have priests, and that there were few indeed who would submit to its conditions after the age of illusions was passed.

he recognises in himself instincts and passions which are only the stronger by reason of their whilom repression. That a youthful spiritual director, before whom are thrown down all the barriers with which the prudent reserve of society surrounds the social intercourse of the sexes, should too often find that he has over-estimated his self-control, is more than probable.

This, of course, is merely *à priori* reasoning, and of itself proves nothing, except the extreme imprudence of a system which applies fire to straw and assumes that combustion will not follow. Doubtless there are cases in which the assumption is justified by the result—whole countries, indeed, where scandals are few. In Ireland, for instance, we rarely hear of immoral priests, though such cases would be relentlessly exposed by the interests adverse to Catholicism, and the proverbial chastity of the Irish women may be both a cause and a consequence of this. In the United States, also, troubles of the kind only come occasionally to public view; but here again the Church is surrounded by antagonistic Churches. At the same time it must be borne in mind that the extreme care with which the Church avoids scandal renders it impossible for one not within the pale to ascertain what may really be the relations between ecclesiastics and the female servants whom, as we shall see, they are permitted to keep in their houses.[1]

[1] Possibly some insight into the moral status of the American priesthood may be obtained from the work of Father Müller, a zealous Redemptorist, which bears the approbation of Cardinal McCloskey and of the Redemptorist Superior. As regards chastity, he tells us that "God calls no man to any state or office without giving him at the same time the necessary graces" (Part II. p. 260). In spite of this he utters the warning, "The good priest should also beware lest he become too affectionate and familiar with some favourite niece or cousin, because she may easily become pitch and bird-lime" (Ibid. p. 278). One may gather from his long and fervid exhortation to beware of drink that intemperance is the besetting sin of the priesthood (Part IV. pp. 98–112), and he couples wine and women together in a manner to imply that the combination produces many blasted careers. "How many have renounced the priesthood altogether on account of women and drink? How many have apostatised and even turned preachers on account of women and

In lands where Catholicism is dominant I fear that there can be little doubt as to this, although Ernest Renan, a witness of unquestionable impartiality, whose clerical training gave him every opportunity of observation, declares emphatically that he has known no priests but good priests, and that he has never seen even the shadow of a scandal.[1] In spite of the Nicæan canon, on which the rule of celibacy has virtually rested, the Church, after a struggle of more than a thousand years, was forced to admit the "subintroducta mulier" as an inmate of the priest's domicile. The order of Nature on this point refused so obstinately to be set aside that the Council of Trent finally recognised women as a necessary evil, and only sought to regulate the necessity by forbidding those in holy orders from keeping in their houses or maintaining any relations with concubines or women liable to suspicion.[2] It is true that the severe virtue of St. Charles Borromeo refused to grant to a septuagenary priest a licence for more than a year for the residence of a sister equally aged, and forced him to apply annually for its renewal; it is also true that the Council of Rome, in 1725, allowed the residence of women only within the first and second degrees of kindred;[3] but in modern times the Tridentine canon has been interpreted as allowing the residence of female servants or housekeepers, in view of the hardship of doing without domestics and the expense of employing men. In order

drink? How many have met an untimely end on account of women and drink?" (Part II. p. 275.) Müller's The Catholic Priesthood, New York, 1885.

1 Souvenirs d'Enfance et de Jeunesse, Paris, 1883, p. 139. "Le fait est que ce qu'on dit des mœurs cléricales est, selon mon expérience, dénué de tout fondement. J'ai passé treize ans de ma vie entre les mains des prêtres, je n'ai pas vu l'ombre d'un scandale; je n'ai connu que de bons prêtres. La confession peut avoir, dans certains pays, de graves inconvénients. Je n'en ai pas vu une trace dans mon jeunesse ecclésiastique."

2 Concil. Trident. Sess. XXV. De Reform. cap. xiv.

3 Convent. Episcc. Mediolanens. ann. 1849 Sess. III. No. 18 (Collect. Lacens. VI. 717).—Concil. Roman. ann. 1725 Tit. XVI. c. iii. (ib. I. 372).

to meet the Tridentine caution to avoid suspicion, efforts have sometimes been made to define a minimum "canonical" age for these women, varying from thirty to fifty years, but usually placed at forty—a palliative which, as might be expected, accomplishes little, even when, as is not always the case, the rule is observed more scrupulously than by the device of dividing the canonical age and keeping two girls of twenty.[1] The careful provisions as to the age and character of these "Marthas," and the prohibitions of manifestations of undue familiarity with them—especially in public—are scrupulously enumerated in the latest assembly of Catholic prelates, the Plenary Council of Latin America, held in Rome in 1899.[2] These precautions are not uncalled for if there is truth in the state-

1 For the varying legislation on this subject the reader may refer to C. Beneventan. ann. 1693 Tit. XVIII. c. iii. (Collect. Lacens. I. 44.)—Synod. Bahiens. ann. 1707 Lib. III. (I. 854.)—C. Tarracon. ann. 1717 c. XXXI. (I. 779.)—C. Avenionens. ann. 1725 Tit. XXXVII. c. iii. (I. 554).—Synod. Firmanens. ann. 1726 Tit. IX. (I. 599.)—C. Ebredunens. ann. 1727 c. v. No. 5 (I. 626).—Synod. Nat. Hungar. ann. 1822 De Discip. renov. 3 (V. 940).—C. Baltimor. IV. ann. 1840 Decr. X. (III. 72.)—Conv. Episcc. Mediolan. ann. 1849 Sess. III. No. 18 (VI. 717).—C. Turon. ann. 1849 Decr. XI. i. (IV. 268-9.)—C. Avenionens. ann. 1849 Tit. VI. c. v. No. 16 (IV. 348).—C. Remens. ann. 1849 Tit. XII. c. ii. (IV. 129.)—C. Albiens. ann. 1850 Tit. I. Decr. v. No. 1 (IV. 411).—C. Burdigal. ann. 1850 T. IV. c. xii. No. 3 (IV. 588).—C. Biturícens. ann. 1850 Tit. VI. (IV. 1122.)—C. Tolosan. ann. 1850 Tit. IV. c. iv. No. 126 (IV. 1069).—C. Senonens. ann. 1850 Tit. IV. c. iv. (IV. 904.)—C. Aquens. ann. 1850 Tit. v. § 2, c. ix. No. 1 (IV. 985).—C. Rothomag. ann. 1850 Decr. XI. No. 3-5 (IV. 525).—C. Lugdunens. ann. 1850 Decr. XVIII. No. 1-3 (IV. 475).—Synod. Thurlesiens. ann. 1850 Decr. XVII. No. 14 (III. 785).—Conv. Epp. Lauretan. ann. 1850 Sect. I. v. (VI. 778.)—Conv. Epp. Siciliæ Tit. II. c. i. No. 9 (VI. 815).—C. Auscitan. ann. 1851 Tit. IV. c. i. No. 147 (IV. 1200).—C. Quebecens. I. ann. 1851 Decr. XIV. (III. 615.)—C. Westmonasteriens. I. ann. 1852 Decr. XXIV. No. 4 (III. 939).—C. Quebecens. II. ann. 1854 Decr. XIV. No. 20 (III. 652).—C. Armacens. ann. 1854 Decr. XXIII. (III. 852.)—C. Portus Hispaniæ ann. 1854 Sect. II. No. 5 (III. 1100-1).—C. Ravennat. ann. 1855 P. IV. c. iv. No. 3 (VI. 198).—C. Scti. Ludovici II. ann. 1858 Decr. VII. (III. 318.)—C. Viennens. ann. 1858 Tit. v. c. vi. (V. 197).—C. Strigonens. ann. 1858 Tit. VI. No. 9 (V. 53).—C. Venetic. ann. 1859 P. II. c. xvii. No. 10-11 (VI. 317).—C. Urbinatens. ann. 1859 P. II. Tit. vii. No. 148 (VI. 51).—C. Pragens. ann. 1860 Tit. I. c. vi. No. 1 (V. 426).—C. Coloniens. ann. 1860 Tit. II. c. xxxiv., xxxviii. (V. 378-80.)—C. Cincinnatiens. III. ann. 1861 Decr. IX. (III. 226.)—C. ¡Coloniens, ann. 1863 Tit. IV. c. iv. (V. 670.)—C. Quitens. ann. 1869 Decr. IV. No. 2 (VI. 403).—C. Ultrajectens. ann. 1865 Tit. VIII. c. iv. (V. 905.)—C. Pl. Baltimor. II. ann. 1866 Tit. III. c. vi. No. 164 (III. 446).—C. Halifaxiens. ann. 1868 Decr. XVIII. (III. 751.)

2 Acta et Decreta Concil. Plenar. Americæ Latinæ, p. 281 (Romæ, 1900).

ment that statistics submitted to the council showed that in Latin America, of 18,000 priests three thousand were living in regular wedlock, four thousand in concubinage with their so-called housekeepers, and some fifteen hundred in relations more or less open with women of doubtful reputation.

Few priests, it may be assumed, have the self-denial to live without this female companionship, which is permitted by the Church as a matter of course. Indeed, the census paper officially filled in at the Vatican and returned in January 1882 stated the population of the palace to be 500, of which one-third were women. While, of course, it does not follow that the relations between these women and the grave dignitaries of the papal court may not be perfectly virtuous, still, considering the age at which ordination is permitted, it would be expecting too much of human nature to believe that, in at least a large number of cases among parish priests, the companionship is not as fertile of sin as we have seen it to be in every previous age since the ecclesiastic has been deprived of the natural institution of marriage. The "niece" or other female inmate of the parsonage throughout Catholic Europe still excites the smile of the heretic traveller, and is looked upon as a matter of course by the parishioner, while the prelates, content if open scandal be avoided, affect to regard the arrangement as harmless, knowing that it serves as a preventive of more flagrant and more public trouble, though the fact that this companionship is made the subject of discussion and regulation at virtually every council or synod or episcopal convention held by the Church shows that privately it is recognised as a necessary evil at best. Yet the old sophistry is not forgotten, which proves that such sin is less than the infraction of ecclesiastical laws. In a tract in favour of celibacy, published at Warsaw in 1801, with the extravagant laudation

of the authorities, argument is gravely made that as priestly marriage is incestuous, such adultery is vastly worse than simple licentiousness, the latter being only a lapse of the flesh, while marriage would be schism and arrogant disobedience, involving sin of a far deeper dye.[1]

It would, of course, be vain to expect at the present day, from the rulers of the Church, the outspoken candour of the Middle Ages, when evils were denounced openly and in the coarsest terms. In those days councils could speak, because none but those connected with the Church were likely to be cognisant of their proceedings, while in the sixteenth and seventeenth centuries the immorality of ecclesiastics was so notorious that no harm could arise from admitting it in the efforts made for its correction. In modern times, however, when an external veil of decency is to be maintained before the eyes of antagonistic critics, when scandal is of all things to be avoided, and when the proceedings of ecclesiastical bodies are carefully revised at Rome before they are allowed to become public, with the consciousness that they may be spread by the press before a world of hostile mockers, ready to jeer at the woes of the Church, only the most guarded allusions can be made to such subjects, and these only when the case is urgent.[2] When, therefore, we see that almost every council held in modern times has deemed it necessary to insist on the supreme importance of preserving chastity—lying, swearing, stealing, and other sins not being even alluded to; when the caution against undue familiarity with women, even devotees, is constantly urged; and when the relations between the priest and his servant are frequently indicated by directions that he

1 De Sacerdotum Cœlibatu Doctrina, Varsoviæ, 1801, pp. 62–3.

2 There is in Rome a standing congregation for the revision of provincial councils, consisting of twenty-five members—viz., seven cardinals, a secretary, and seventeen "consulters." It is connected with the Congregation of the Council of Trent.—Herzog's Real Encyclopädie, VII. 253.—Bangen, Die Romische Curie, p. 180 (Munster, 1854).

must not admit her to companionship at the table, or on walks and journeys, and especially in visiting fairs and merrymakings, it would be difficult not to recognise under this guarded phraseology an admission of the actual relationship existing between the good pastors and their female inmates, and a friendly warning, *si non caste saltem caute.*[1]

It is not often that we can obtain an inside view of these matters, especially from a source that is at once well informed and not hostile, but such a view is afforded by an indignant remonstrance addressed, in 1832, to Monseigneur Sterckx, Archbishop of Mechlin, by the Abbé Helsen, who for twenty-five years had been a popular preacher in Brussels.[2] The abbé calls upon his prelate to enforce the Tridentine canon by banishing the women who are universally inmates of the houses of priests, and thus put a stop to the sin and the scandal which destroy the influence of the Church and spread immorality among the faithful. Even the bishops and dignitaries of the Church are not spared, and the archbishop himself is summoned to dismiss the "Petronilla" who had accompanied him from the curacy of Bouchout to the cathedral of Antwerp, and from Antwerp to the metropolitan See of Mechlin.[3] Throughout this plain-spoken epistle the author assumes as a matter of course not only that the relations between the clergy and their servants are guilty, but that they are so recognised by every one—so notorious, indeed, as to need no proof; and as a natural consequence he regards the priesthood as a source of infection destructive to public morals. The cure is to be found in

[1] The Council of Ausch, in 1851, even ventures to allude to the grave inconveniences which may arise from the residence of a sister or aunt if young, and if there is not also the mother or a female servant in the house.

[2] Helsen, Avis à l'Archevêque de Malines, Monseigneur Sterckx, sur les abus du Célibat des Prêtres, 4to, Bruxelles, 1833.

[3] Helsen, pp. 19–20.

putting a stop to these irregular unions: "If women were for ever banished from the houses of ecclesiastics vowed to celibacy, I think we should not see so great a number of prostitutes who ply their trade at night in our great cities, nor so many illegitimate children who curse their destiny as they multiply more and more around us. We ridicule the seraglio of the Grand Turk and the polygamy of the Moslem, but they too, on their side, ridicule the infinite number of strumpets with whom Christian Europe is deluged, and the custom of keeping as many concubines as can be afforded. Whence comes to us this shameful trade, so hurtful to society, which is found under our religion more than under any other? We dare not doubt that it is the result of our own misconduct; we dare not accuse only the heretics and the philosophers of modern times. No, no! the most poisonous spring is in us, among us, with us, and it will not dry up without us. Let us blush to our eye-balls; let us hide ourselves from public sight! Oh for the times and the virtues of the primitive Church! Why come ye not again?"[1] That this sort of scarcely veiled concubinage is, in fact, a fruitful source of prostitution can scarcely be doubted if, as Helsen asserts, the ordinary custom is, when one of these priest's servants becomes pregnant and cannot be saved by a prudent absence, to dismiss her and take another, perhaps younger and more attractive; and that this may occur repeatedly without the ecclesiastic being subjected to any special annoyance or supervision—unless, indeed, he is so ill-advised as to take pity on the unfortunate girl and refuse to send her away. In that case he becomes a public concubinarian, liable to the canonical penalties, with which he is sometimes disciplined. As Helsen indignantly exclaims, "Would the Mahometans tolerate such infamy in their fakirs and dervishes? The Japanese, the Chinese, the

[1] Helsen, pp. 74–5.

Hindus in their bonzes? The pagans in their Vestals? Our ancestors in their Druids? Even the Jews and Protestants have blushed for it, since they advise their Rabbis and ministers to marry rather than thus to contaminate themselves."[1] Helsen does not fail to allude to the public familiarity of these servants with their employers—the familiarity condemned in almost the same words by many of the councils cited above—and it would seem the extreme of Pyrrhonism to doubt that almost universal concubinage is tolerated, even where on the surface there are no public scandals to attract the attention of the malicious.

There would therefore seem no reason to call in question the remarks of the Rev. William Chauncy Langdon, whose long residence in Italy as the agent of the American Episcopal Church gave him ample opportunity of observation. "I learned to regard a priest who had lived all his mature life openly and faithfully with a woman to whom of course he had not been married, by whom he had children now grown up, and for all of whom he was faithfully providing—with a relative respect as one who had greatly risen above the morality of his Church and of the society around him, and whose life really might be considered, on the dark moral background behind him, a source of relative light."[2]

All this in fact may be inferred from sundry propositions presented to the Vatican Council in 1870. The Neapolitan bishops asked for legislation to check the frequency with which priests entered into civil marriage. They argued that the existing rule under which such offenders cannot be deprived until they have lain for a year under excommunication is inefficient, and that it would be much better to suspend them at once from office and benefice while

[1] Helsen, pp. 13, 16, 100.

[2] Report to the Italian Committee of the American Episcopal Church (*The Episcopalian*, Philadelphia, September 11, 1867).

awaiting the expiration of the year. The French bishops proposed that priests should be required to exclude women from their houses, or, if their services were indispensable, at least they should be of undoubted good repute and not less than forty years of age, except the near kindred permitted by the ancient canons. The German bishops also desired this question to be settled, and further suggested that, to avert the serious evils arising from the scandalous lives of priests, such offences as notorious fornication, manifest concubinage, drunkenness, and incorrigible prodigality he added to the legitimate causes for deprivation of benefice.[1] From all this it would appear that the old scandals still flourish, and that something more efficacious is needed than the reformatory legislation of Trent. The managers of the council were of the same mind, and prepared a constitution *De vita et honestate clericorum*, in which Chapter III. provided that a cleric living in concubinage or keeping a suspected woman in his house or elsewhere should be subjected to the Tridentine penalties, enforcible without the formalities of justice and solely on the strength of the facts; but bishops were warned that, to prevent the too facile aspersion of priests and the reproach to themselves of inconsiderate action, the evidence both of the offence and of the three warnings provided by the Council of Trent should be carefully preserved, to be used in case of appeal.[2]

Slender as was this provision for the cure of immedicable evils, it was not adopted. The work for which the council was assembled was accomplished, 16 July, 1870, when it accepted the *Constitutio dogmatica de Ecclesia Christi*, defining the infallibility of the Pope and his supreme jurisdiction over the whole Church. Its further existence was superfluous, and before another session was held the

[1] Concil. Collect. Lacensis. T. VII. pp. 813, 835, 873, 875.
[2] Ibid. p. 664.

Italian occupation of Rome, September 20, afforded an ostensible reason for its dissolution, which was effected October 20 by its suspension.[1]

The fact is that if the priesthood is to be purified, some more summary process must be devised than the existing cumbrous formalities of ecclesiastical procedure. Few reforming bishops can be expected to undergo the expenses and delay incident to prosecutions, if we may judge from the recent case of Luigi Bidone, parish priest of Oliva Gessi. In 1901 he was accused before the Bishop of Tortona of keeping as a servant, with suspicion of evil relations, Angela Chiappano, a girl of twenty-two, in contravention of the synodal constitutions. The bishop ordered her dismissal, but Bidone retained her, in spite of the three successive commands, whereupon the bishop suspended him and deputed another priest to replace him. Other charges were brought against him of dissipating the parochial temporalities, and of having received 5071 lire for Masses never celebrated: the case was tried by the episcopal court, but it was not until 11 February, 1904, that he was formally deposed, nor till 17 June, 1905, that this judgment was confirmed by the Congregation of the Council of Trent.[2] The laws exist, as of old, and can be enforced, but more than common tenacity is requisite for their enforcement, in face of the labour involved and the dread of scandal.

It is not to be supposed that the Church suffers less than formerly from the solicitation of female penitents by confessors. Indeed, the numerous utterances on the subject during the last half-century would perhaps justify the assumption that the evil is increasing rather than that the Church is more alive to the duty of its repression, for in the forum of conscience it is not regarded as a more

1 Concil. Collect. Lacensis. T. VII. p. 498.

2 Il Consulente ecclesiastico, Ottobre 1905, 353.

heinous sin than of old. It is still not a reserved case, its commission does not incur excommunication, and absolution for it can be obtained from any confessor whom the culprit may select.[1] Even the disability to celebrate Mass, prescribed in 1745, was virtually nullified by a decision of the Congregation of the Inquisition, 18 March, 1863, that it is not *latæ sententiæ*, but *ferendæ*—that is, that it does not operate of itself, but as the result of a conviction and sentence pronounced.[2] As formerly, scandal is the one thing dreaded. All other considerations are of minor importance, and the subject is treated on the basis of the principle laid down by the Glossator: "Nothing is to be done that creates scandal . . . to avoid scandal the rigour of ecclesiastical law often yields."[3] To this end, the proceedings in all cases are conducted with the most impressive secrecy from the beginning to the end. When a priest obtains a delegation to receive a denunciation from an accusing penitent, which we shall see is a necessary preliminary, he is sworn in presence of his bishop to perform the duty faithfully and to observe inviolate secrecy, and this oath is taken on the gospels and not by merely touching the breast, as is customary with priests. All names are scrupulously suppressed, and what testimony is shown to the accused is to be so carefully disguised as not to give him an inkling as to the witness. All papers are to be kept by the bishop in a special cabinet to which even his vicar-general is debarred access, the accuser is kept in

[1] Il Consulente ecclesiastico, Vol. IV. p. 19 (1898).—Berardi, De Sollicitatione et Absolutione Complicis, p. 129.

This latter work, of which a second edition was issued at Faenza in 1897, shows the attention which the subject is attracting in recent times, and furnishes a contemporary view of the light in which it is regarded, with the received practice under late decisions.

[2] Il Consulente ecclesiastico, loc. cit. p. 20.

[3] Gloss. in Cap. 5 Extra, Lib. I. Tit. xi.—Quoted approvingly by Berardi, p. 127 as also Liguori's dictum, "Superior peccata subditi sæpe potest dissimulare ad vitandas turbas et majora mala, quæ alioqui teneretur punire."—Theol. Moral. Lib. II. Tract. iii. Cap. 2, Dub. 5, Art. 2, n. 52.

ignorance of the result, and when the case is ended it is to be buried in oblivion.[1] Under these circumstances it is impossible even to guess what may be the frequency of either the crime or its detection, but that it is kept in mind as an ever-present possibility is suggested by the recommendation that priests engaged in "missions" or revivals should always provide themselves with the necessary faculties to receive denunciations,[2] and by the frequent recurrence, in the councils of the nineteenth century, of injunctions that the confessions of women shall always be heard at times and in places open to public observation.[3]

There is the same difficulty as of old in defining the exact limits to which the confessor may go without subjecting himself to the definitions of the bulls of Gregory XV. and Benedict XIV. The licence allowed in the confessional is necessarily great, and the discretion of the confessor is a variable quantity. Even without evil intention on his part, the pure-minded penitent may be scandalised, and indecency, though perhaps not so common as in former times, would still seem to exist. We are told that some confessors are so habitually scurrilous that they forget themselves without seeking to corrupt their penitents, but the law is not simply for the punishment of guilt, but for the prevention of scandal. Yet impru-

1 Instruct. S. Inquisit. Roman. February 20, 1867 (Collect. Concil. Lacensis. III. 553-6).—Berardi, op. cit., pp. 134, 160, 223-4.

2 Berardi, p. 190.

3 Concil. Baltimor. I. ann. 1829, Decr. xxv. (Collect. Lucens. III. 30-1.)—C. Baltimor. V. ann. 1843, Decr. ix. (III. 90.)—C. Australiens. I. ann. 1844, Decr. xii. (III. 1051).—C. Thurlesens. ann. 1850, Decr. xii. 41 (III. 782).—C. Rothomagens. ann. 1850, Decr. xvii. 3 (IV. 530).—C. Tolosan. ann. 1850, Tit. iii. cap. 1, n. 70 (IV. 1054).—C. Casseliens. ann. 1853 Tit. iii. (III. 837.)—C. Tuamens. ann. 1854, Decr. viii. (III. 860.)—C. Quebecens. II. ann. 1854, Decr. ix. § 7 (III. 639).—C. Port. Hispan. ann. 1854, Art. iv. n. 1, 2 (III. 1098).—C. Halifaxiens. I. ann. 1857, Decr. xiv. (III. 745).—C. Viennens. ann. 1858, Tit. iii. cap. 7 (V. 169).—C. Coloniens. ann. 1860, Tit. ii. cap. 15 (V. 351).—C. Pragens. ann. 1860, Tit. iv. cap. 7; Tit. v. cap. 8 (V. 508, 543).—Synod. Ultraject. ann. 1865, Tit. iv. cap. 8 (V. 830.)—C. Plenar. Baltimor. II. ann. 1866, Append. x. (III. 553.)—Concil. Plenar. Americæ Latinæ, ann. 1899, Tit. v. cap. 5, n. 549 (Romæ, 1900, p. 239).

dence is so exceedingly common and inevitable that, if it were subject to denunciation, who would venture to hear the confessions of women?[1] The discussion still goes on, as it did in the seventeenth century; there are still opposing opinions of greater or less laxity, into the details of which it is scarce worth while again to enter. We may content ourselves with the general impressions derived from the debate that the kind of talk which seems to be common between the confessor and his penitent must frequently lead to temptation difficult for average human nature to resist; that, amid the mass of conflicting opinions, the priest who avoids the grosser and more direct forms of seduction has the opportunity of attaining his object without running much risk, and that it is not the flagitious character of the act but the disrespect to the sacrament which is still the subject of repression.[2]

The offence thus is still technical and not moral, for the priest who learns the frailty of a penitent and visits her the next day is not subject to denunciation.[3] The laxity of this strict construction is seen in the decision of a case, 6 June, 1898, in which the laundress of a priest was accustomed to confess to him. On one occasion she confessed to adultery, when he told her to wait for him in the ante-room of the monastery. There, after some talk about his clothes, he made indecent advances, and subsequently when she attended Mass he would beckon to her from his confessional and make appointments to visit her at her house, finally taking her and supporting her as his mistress. The decision by the Congregation of the Inquisition was that he was not guilty of solicitation under the bulls, for although some authorities hold that a priest is guilty who makes use of knowledge gained in the confessional, this cannot be accepted in practice, for the

[1] Berardi, pp. 28–9, 39–40.
[2] Ibid. pp. 32–43.
[3] Ibid. p. 147.

somewhat significant reason that it would hinder the full confession of such sins because of its imposing on the penitent the obligation of denouncing the confessor who takes advantage of the knowledge.[1] Liguori lays down the rule that, where there is doubt, the confessor is not to be denounced; there must at least be moral certainty: appearances may deceive, while on the other hand solicitation may be so shrewdly disguised as to render it difficult of recognition or proof.[2]

When these preliminary difficulties are solved by the confessor to whom the woman reveals the fact of her having been solicited—for it is assumed that denunciations are made only under pressure of a refusal of absolution for not denouncing—the rules of procedure are not such as to facilitate conviction and punishment. In 1867 the Congregation of the Inquisition addressed all archbishops, bishops, and ordinaries, complaining that the papal constitutions on the subject were neglected, and that abuses had crept in, both as to penitents denouncing guilty confessors and as to the punishment of the latter. It therefore urged the prelates everywhere to greater vigilance and vigour, and gave a summary of the current practice of the Inquisition, which affords us an insight into the methods deemed sufficient for the repression of this persistent and perennial abuse.[3] The success of the Holy See since the seventeenth century in making good its claims on the obedience of the faithful is warrant sufficient for assuming that this utterance has been accepted as authoritative, and that it has nowhere been treated with the contempt shown by France and Germany for the decrees of Gregory XV.

As formerly, the woman solicited is compelled to accuse

1 Il Consulente ecclesiastico, III. 373.

2 S. Alph. le Ligorio, Theol. Moral. Lib. VI. Tract. iv. n. 702.

3 Instruct. S. Inquisit. Roman, 20 February, 1867 (Collect. Concil. Lacens. III. 553).

the culprit, and Pius IX. in the great bull Apostolicæ Sedis, 12 October, 1869, which superseded the old bulls In Cœna Domini, included among those subject to excommunication *latæ sententiæ* women who neglected to do so within a month after the commission of the offence.[1] It is, however, apparently impossible to induce them to do this, and it is only when they chance to confess their sin to some other confessor and are refused absolution that they are compelled to do it, although the rule is absolute that they are not to be interrogated as to consent. Strictly speaking, the denunciation should be made before a notary, but it is excessively difficult to secure this, and a special faculty must be obtained from the bishop to enable the confessor to take it. When obtained he forwards it to the bishop, keeping no copy, burning all memoranda and returning the faculty, so that all trace of the matter shall be destroyed. The denunciation is then sent to the Roman Inquisition, and its orders are awaited.[2]

Strict as are the injunctions to denounce, there are various ways in which they can be eluded. Dispensations relieving the penitent from the duty can be obtained from the bishop, the Inquisition, or the Papal Penitentiary. Danger to life, reputation, or property, whether of herself or her near kindred, relieves her of the obligation; even close kinship, gratitude for favours received, and friendship serve as an excuse.[3] Confessors who do not admonish their penitents of this duty are liable to punishment, but they are advised to abstain from initiating inquiries about the matter; they are warned not to be over-zealous in starting denunciations without close investigation, and are told not to admonish the penitent if, on the one hand, they

1 Acta Pii PP. IX. T. V. p. 66.

2 Berardi, op. cit. pp. 85, 89–94, 224.

3 Ibid. pp. 154–7, 164, 175–8.—Consulente ecclesiastico, IV. 13–15.

Schieler, however (Theory and Practice of the Confessional, pp. 374–5), is much stricter as to the reasons exonerating the penitent from denunciation.

feel convinced that she will not obey, and thus incur mortal sin, or, on the other, if her character is such as to cause apprehension that she may talk about it and thus create scandal. Anything, in fact, which may lead to a knowledge of the affair is sufficient to prevent its prosecution.[1] In 1880 the Inquisition issued further instructions, saying that it often happened that denunciations contained allusions to other solicited penitents, who had not been examined, as they should have been and must be in future; also that prosecutions frequently failed because the denunciations were not in proper form, wherefore it sent a formula to be followed in all cases. In 1897 additional instructions were issued, relative to the investigations as to the character of the accuser and accused, which were necessary as a guide in weighing the credibility of the denunciation.[2]

It is evident that there is no little difficulty in obtaining denunciations and in formulating them properly, but when this is accomplished the culprit is still reasonably safe, for no action is taken, except to have him watched, until three separate ones have been transmitted against him—a thing which can happen but rarely.[3] When such an accumulation occurs, they are duly investigated, and if he is found guilty the only punishment indicated is deprivation of the faculty of hearing confessions, leaving to the bishop the commutation of the other penalties into spiritual exercises. In practice, however, we are told that when the offender is a parish priest he is simply forbidden to hear confessions outside of his parish, and is required to resign it within a given time.[4] Inadequate as these

1 Berardi, pp. 180, 182, 189.—Consulente ecclesiastico, IV. 13, 14, 16.

2 Berardi, pp. 116, 225.

3 Instruct S. Roman. Inquis. ubi sup.

4 Ibid.—Berardi, pp. 126, 128.

Schieler, however (op. cit. p. 375), says nothing about episcopal commutation of the other penalties prescribed in the papal briefs, which are assumed to be still in force.

provisions must seem for an offence so grievous, they can be greatly reduced by self-denunciation. One who accuses himself before any evidence has been received against him escapes with spiritual penances and the advice to avoid confessing those whom he has solicited, and it is the same if a single accusation has been sent in; if there are several accusations against him and he presents himself and confesses before the trial is ended, he obtains a mitigation of the customary sentence.[1] It would appear from all this that the active legislation on the subject of recent years is rather an indication of the prevalence of the trouble than of a sincere desire to eradicate it by measures of suitable vigour and severity.

Even the long-standing abuse of the absolution of the accomplice is still existent. Various councils in the nineteenth century felt impelled to call attention to the prohibitions uttered by Benedict XIV.,[2] and the Inquisition of recent years has found it necessary to issue repeated decrees on the subject. An obscure decision, 16 May, 1877, led to the assumption that the censures of the bull Sacramentum Pœnitentiæ could be eluded by the confessor leading his accomplice to omit allusion to their mutual sin in the confession to him in which he absolved her—either persuading her that it was no sin, or that, as it was already known to him, there was no necessity of mentioning it. To meet this the Inquisition, 19 February,

1 Instruct. S. Roman. Inquisit. ubi sup.—Cf. Benedicti PP. XIV. De Synodo Diœcesana, Lib. VI. cap. xi. n. 8.

2 Concil. Tuamens. ann. 1817, Decr. xvii. (Coll. Lacens. III. 765).—C. Australiens. I. ann. 1844, Decr. xiii. (III. 1052).—C. Remens. ann. 1857, cap. vi. n. 57 (IV. 211).

While it is admitted that, since Benedict XIV., the jurisdiction of the seducer over the seduced is forfeited, still it revives when she is absolved of the sin by another priest; but she should be admonished not again to resort for confession to her accomplice, which assumes that he is undisturbed in the performance of his sacred duties, although his guilt has been revealed. When some too zealous dioceses adopted a rule forbidding seducers from hearing the confessions of their accomplices, the Congregation of the Council of Trent emphatically ordered it to be withdrawn.—Schieler, op. cit. pp. 355–6.

1896, decided that the excommunication could not be thus evaded, as it would virtually neutralise the bull. A decree of 9 November, 1898, specified certain cases in which the delinquent was excused from personal application to the Papal Penitentiary for absolution, but when, in 1899, a bishop in a foreign land asked whether this applied to one of his priests who had confessed to absolving an accomplice, but who declared that his duties and his poverty precluded him from appearing before the Penitentiary, the answer was in the negative.[1] Evidently in the struggle with human nature the Church is not wholly successful.

Perhaps its success might be greater if it exerted its powers unreservedly, but such is its dread of scandal that rather than incur the risk of publicity it prefers to shield the criminal. If the punishment cannot be secret, there must be no punishment and no admission of priestly weakness.

How powerfully and how unscrupulously its influence is exerted to this end may be judged from a few examples. In 1817, at Availles, in France, the sacristan complained to the mayor that his daughter was received every night by the curé, to the scandal of the people. The mayor thus invited entered the priest's house suddenly one night, and found the girl in *déshabille*, hidden in a corner. He drew up an official statement of the facts and forwarded it to the authorities, and the response to this was his summary dismissal from office on the ground of having violated the domicile of the curé and increased the scandal.[2] A case which attracted much attention at the time was that of Antoine Mingrat, who as priest of Saint-Aupe, near Grenoble, created scandal by his amours, when, in place of being punished, he was transferred to Saint-Quentin.

[1] Consulente ecclesiastico, I. 78; IV. 296.

[2] Bouvet, De la Confession et du Célibat des Prêtres, p. 516 (Paris, 1845).

Here he was attracted by a young married woman named Marie Gérin. An unsuccessful attempt upon her virtue rendered it necessary to despatch her. He choked her to death in the parsonage, and dragged the body three-quarters of a league to the Isère, where he cut off the legs and threw the fragments into the river. Suspicion pointing to him, he was about to be arrested, when he escaped across the frontier and found refuge in Savoy. Protected by a mysterious influence, he was never surrendered, although he was condemned to death *in absentia* by the court of Grenoble, 9 December, 1822, and the only result was the persecution of the family of his victim, who had dared to complain.[1] Similarly, in 1877, the Abbé Debra, condemned at Liége in default, for no fewer than thirty-two offences, was, after proper seclusion in a convent, given a parish in Luxembourg by the Bishop of Namur.[2] In the case of the Abbé Mallet, which occurred in 1861, the Church was unable to save the culprit from punishment, but did what it could to conceal his crimes from the faithful. As a canon of Cambray, he seduced three young Jewish girls and procured their confinement in convents under pretext of labouring for their conversion. One of his victims lost her reason in consequence of her sufferings, and the court of Douay condemned him to six years at hard labour—a sentence which was announced by an orthodox journal thus: "M. le chanoine Mallet de Cambrai, accusé de détournement de *mineurs* pour cause de prosélytisme religieux, a été condamné à six ans de reclusion"—where the skilful use of the masculine "mineurs" and the characterisation of his offence as religious proselytism elevate the worst of criminals into a martyr for the faith.[3] It is quite within the bounds of

1 L'impunité de Mingrat, ou la police de Charles X., Paris, 1830.

2 Wahu, op. cit. p. 423.

3 Sauvestre, op. cit. p. 144. It is by this policy that the Church renders itself responsible for the evil committed by its members. No human organisation is

probability that, as such a martyr, he may since the expiration of his sentence have been enjoying, in some cure of souls, the opportunity of repeating his missionary experiments.

It is evident from these various causes that the criminal records can give only the barest suggestion as to the extent of crimes thus committed in secret by a class shielded by influences so powerful. The records of the *ministère de la justice*, moreover, are not in France open to the public, and the only mode of obtaining even an approximate idea of the number of prosecutions in these cases is to gather them from the journals in which they chance to appear as items of news. An attempt to effect this has been made by Dr. Wahu, and though from the nature of the case necessarily imperfect, it affords some interesting and suggestive statistics. His list extends from the beginning of 1861 to April 1879, and is thus tabulated :—

1861	3	cases.
1862	2	„
1863	1	„
1864	1	„
1866	2	„
1867	3	„
1868	3	„
1869	3	„
1872	10	„
1873	6	„
1875	5	„
1876	1	„
1877	16	„
1878	35	„
1879 (January to April)	19	„

without its share of the weak or vicious, and there is no lack of scandals in the Protestant denominations; but in these there is a wholesome jealousy which usually seeks at once to cast out and punish the offender. Thus when, in July 1867, the Rev. Mr. Wendt, at an orphan institution near Philadelphia, was discovered to be tampering with the virtue of the children under his charge, those who were most nearly connected with the management of the asylum were the first to take steps for his prosecution, and, as soon as the necessary legal proceedings could be had, he was undergoing a sentence of fifteen years' solitary confinement without a voice being raised in palliation of his crime.

In all 110 cases, of which nearly one-half were brethren connected with educational institutions.

The earlier years of this list must be necessarily imperfect, and, indeed, M. Charles Sauvestre has given details of nine cases occurring in schools in 1861,[1] all which have escaped Dr. Wahu, but, even making allowance for the impossibility of hunting up all the fugitive records of the past, the increase during recent years is not to be regarded as indicating an increase of immorality. It rather proves how powerful were the forces protecting the Church and repressing publicity under the Second Empire. The absence of cases in 1870–1 is probably attributable to the preoccupations of the Franco-Prussian War and its consequent troubles. While the presidency of M. Thiers, in 1872, yielded 10 cases, the reactionary government of Marshal MacMahon showed but 12 cases in four years. After the fall of MacMahon the number rapidly increases, the first four months of 1879 affording no fewer than 19 cases. Whether since then this rate of progression has been maintained I have no means of knowing, but it is to be hoped that the breaking up of the unauthorised orders and the increased vigilance of the authorities, aided by an aroused public sentiment, have led to a decrease in the dismal record. One deplorable feature of many of these cases is the large number of victims frequently represented in a single prosecution, and that the perpetrator had often been afforded the opportunity of continuing his crimes in successive situations. Thus, in the affair of the Abbé Debra, at Liége, in 1877, there were 32 offences charged against him; and, of those occurring in the single year 1878, Frère Marien was condemned for no fewer than 299, Frère Mélisse, at Saint-Brice, for 50, Frère Climène at Candé, Mazé, and Martigné-Ferchaud, for 25, and Frère Adulphe at Guipry, Saint-Meloir-des-

[1] Op. cit. pp. 138–44.

Ondes, and Pleurtuit, for 67. It would be a libel on human nature to assert that this catalogue of sin does not represent more than an average of wickedness, and the responsibility for the existence of so shocking a condition of morality must, at least in part, be attributed to the rule of celibacy.

Irrespective of questions of morality, the rule of celibacy in modern society is harmful to the State in proportion as it contributes to the aggrandisement of those who enforce it. A sacerdotal caste, divested of the natural ties of family and of the world, with interests in many respects antagonistic to the communities in which its members reside, with aims which, from the nature of the case, must be for the temporal advancement of its class, is apt to prove a dangerous element in the body politic, and the true interests of religion as well as of humanity are almost as likely to receive injury as benefit at its hands, especially when it is armed with the measureless power of confession and absolution, and is held in strict subjection to a hierarchy. Such a caste would seem to be the inevitable consequence of compulsory celibacy in an ecclesiastical organisation such as that of the Catholic Church, and the hierarchy based upon it can scarce fail to become the enemy of human advancement, so long as the priest continues to share the imperfections of our common nature. How little the aims of that hierarchy have changed with the lapse of ages may be seen in the pretensions which it still advances, as of old, to subject the temporal sovereignty of princes and peoples to the absolute domination of the spiritual power. The temper of Innocent III. and Boniface VIII. is still the leading influence in its policy, and the opportunity alone is wanting for it to revive in the twentieth century the all-pervading tyranny which it exercised in the thirteenth. Even the

separation of Church and State is condemned as a heresy, and as the State is denied the privilege of defining the limits of its own authority, and as the right of the Church to use force is asserted, it would be difficult to set bounds to the empire which is its rightful heritage, and of which it is deprived by the irreligious tendencies of the age.[1]

Yet, in spite of its reactionary efforts, and of its antagonism to the progress which has made the centuries since the Reformation the most important in the annals of civilisation, the Church has still a part to play, more or less beneficent as its rulers may be more or less sagacious. Conservatism has its uses, and mankind at large has not outgrown the necessity of the bridle as well as of the spur. There were ages in which the Church was the leader in knowledge and enlightenment; that it has become obscurantist is due to the use which it made of its leadership to so organise its temporal and spiritual domination that further development of human intelligence could only be accomplished through revolt, and it thus became the enemy in place of the friend of advancement. The policy then adopted rendered a reactionary position inevitable, because in support of its theocratic aspirations it framed a system of dogma assumed to be of divine revelation and therefore unalterable as the will of God. Entrenched behind this, it has, with varying success, defended its position for more than three centuries. From the storms of the Revolution it emerged with centralised Ultramontanism triumphant over the particularism known as Gallicanism and Jansenism—a triumph which culminated in the Council of the Vatican. This was too complete, and since then signs have not been lacking of a growing restlessness which may be provoked to schism or may be soothed by wise concessions. The spirit of the age is not

[1] Syllab. Dec. 1864, No. xix., xlii., liv., lv.

propitious for relentless discipline which will tolerate nothing but blind obedience, and the Church may find that only by yielding can it preserve its unity. The lesson of the sixteenth century should not be forgotten, when unwisdom cost it nearly half of its membership.

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